



UNITED STATES DEPARTMENT OF EDUCATION

September 6, 2018

Austin Evers  
American Oversight  
1030 15th Street  
Suite B255  
Washington, DC 20002

RE: FOIA Request No. 18-00530-F

Dear Mr. Evers:

This letter is an interim response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 28, 2017 and received in this office on November 30, 2017. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request.

You requested the following:

1. Records sufficient to identify all employees who entered into a position at the agency as “political appointees” since April 12, 2017 and the title or position of each employee (to the extent that such individuals have held multiple titles or positions since April 12, 2017 identify each title or position). For purposes of this request, please consider any employee in a PAS position, a presidentially-appointed position, a non-career SES position, a Schedule C position, or any administratively-determined position to be a “political appointee.”
2. Records sufficient to identify all career employees who have been detailed into a leadership office or component front office since April 12, 2017; the title or position of each employee while on detail; and each employee’s originating agency or component, and prior title (to the extent that such individuals have held multiple titles or positions since April 12, 2017, identify each title or position).
3. Names and resumes of anyone from the transition teams or beachhead teams who have joined the agency in full-time capacity, either as career, political, or administratively determined positions since April 12, 2017. For the purposes of this request, please include any employee who previously had a temporary or provisional appointment at ED before April 12, 2017, and took on a permanent appoint after that date.

For each individual identified in response to requests 1 to 3:

- a. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or, if that is not available, a recent resume contained within the agency’s records. We have no objection to the redaction of contact information (addresses, telephone numbers, e-mail addresses)

for the employee or references, or to the redaction of past salary information. Employment, education, and professional association information is not exempt and we object to any redactions of such information.

- b. Any conflicts or ethics waivers or authorizations for the individual, including authorizations pursuant to 5 C.F.R. § 2635.502.
- c. Records reflecting any recusal determination made or issued for the individual.
- d. Copies of any SF-50 forms for the individual reflecting any change in position or title, including when the employee enters or leaves a position. We have no objection to the redaction of home addresses, telephone numbers, or social security numbers from the SF-50s.

The Department has no records responsive to items 3 and 4(b) of your request. Attached to this e-mail are one spreadsheet responsive to items 1 and 2 of your request, and 78 pages of documents responsive to items 4(a) and 4(d) of your request.

However, certain information has been withheld according to FOIA Exemption 6, specified below:

- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Because this request is currently in litigation, if you have any questions regarding this response, please contact AUSA Jeremy Simon at [Jeremy.simon@usdoj.gov](mailto:Jeremy.simon@usdoj.gov).

Sincerely,

/s/

Jill Siegelbaum  
Staff Attorney

Enclosure



POC	Org Desc	Name	Position Title Opm	Date Effective	End Date
OCO	OFC OF COMMUNICATIONS & OUTREACH	BAILEY, NATHAN ADAM	DAS FOR COMMUNICATIONS	03/04/18	
OESE	OFC OF EL & SEC ED	BROGAN, FRANK TIMOTHY	ASST SEC FOR ELEM AND SECONDARY ED	07/01/18	
OM	OFFICE OF MANAGEMENT	HAM, HOLLY	ASSISTANT SECRETARY FOR MANAGEMENT	05/15/17	
OUS	OFC OF THE UNDER SECRETARY	JONES, DIANE AUER	PRINCIPAL DEPUTY UNDER SECRETARY	06/24/18	
OS	OFFICE OF THE SECRETARY	LEE, EBONY L.	DCOS FOR POLICY	04/16/17	
OGC	OFC OF THE GENERAL COUNSEL	RIEMER, JEFFREY	DPTY GEN COUNSEL, POSTSECONDARY SERV	04/29/18	
OS	OFFICE OF THE SECRETARY	SIMMONS, LEE DOUGLASS RUS	DEPUTY CHIEF OF STAFF FOR OPERATIONS	08/07/17	
OPE	OFC OF PSTSCNDY ED	SMITH, KATHLEEN A.	SR ADVISOR TO THE ASST SECRETARY	05/28/17	1/28/2018
ODS	OFC OF THE DEPUTY SECRETARY	ZAIS, MITCHELL MCGEEVER	DEPUTY SECRETARY	05/18/18	
OPE	HIGHER ED PRGMS	KISSEL, ADAM HEATH	DEP ASST SEC FOR HIGHER ED PROGRAMS	06/19/17	
OCR	OFFICE FOR CIVIL RIGHTS	MARCUS, KENNETH L.	ASST SECRETARY FOR CIVIL RIGHTS	06/25/18	
OELA	OFFICE OF ENGLISH LANGUAGE AND ACQUIS	VIANA, JOSE	ASST DEP SEC AND DIRECTOR	4/27/17	
OGC	OFC OF THE GENERAL COUNSEL	MENASHI, STEVEN	DEP GENERAL COUNSEL FOR POST SEC	5/27/17	4/23/2018
OSERS	OFC OF SPECL ED & REHAB SERVS	RICHEY, KIMBERLY	DAS FOR SPECIAL ED AND REHAB SERVS	6/19/17	
OLCA	OFC LEGSLTN & CONGRES AFFAIRS	OPPENHEIM, PETER	ASSISTANT SECRETARY FOR OLCA	8/14/17	
OCTAE	OFFICE OF CAREER TECH & ADULT EDU	WOOTEN, MICHAEL	DEPUTY ASSISTANT SECRETARY, OCTAE	10/1/17	
OUS	OFFICE OF THE UNDER SECRETARY	HOLIFIELD, JOHNATHAN	SENIOR ADVISOR	10/1/17	2/18/2018
OCFO	OFFICE OF CHIEF FINANCIAL OFFICER	WEBSTER, DOUGLAS	CHIEF FINANCIAL OFFICER	1/9/18	
OSERS	OFC OF SPECL ED & REHAB SERVS	COLLETT, JOHNNY	ASSISTANT SECRETARY, OSERS	1/19/18	
ODS	OFFICE OF THE DEPUTY SECRETARY	TALBERT, KENT	SENIOR ADVISOR	1/23/18	
IES	INSTITUTE OF EDUCATION SCIENCES	WOODWORTH, JAMES	COMMISSIONER OF EDUCATION STATISTICS	3/19/18	
OGC	OFFICE OF THE GENERAL COUNSEL	MUNIZ, CARLOS	GENERAL COUNSEL	4/23/18	

## ADAM KISSEL

Charles Koch Foundation  
1320 North Courthouse Road, Suite 500  
Arlington, Virginia 22201

(b)(6)

### HIGHER EDUCATION REFORM

- 2012– Senior Program Officer (formerly Program Officer), University Investments, Charles Koch Foundation, Arlington, Va. Responsible for a nine-figure portfolio.
- 2015 Visiting Fellow, Institute for Humane Studies, Arlington, Va. Focused on building the Free Speech and Open Inquiry Initiative.
- 2007–12 Vice President of Programs, Foundation for Individual Rights in Education (FIRE), Philadelphia, 2010–12. Public speaker; writer; director of FIRE's education and defense programs. Director, Individual Rights Defense Program, 2007–10.
- 2006–2007 Director of Faculty and Program Development, Miller Center, and Director of Curriculum Development, Lehrman Center, Intercollegiate Studies Institute, Wilmington, Del.

### EDUCATION

- 2003 University of Chicago: ABD, Committee on Social Thought
- 2002 University of Chicago: M.A. in Social Thought, Committee on Social Thought
- 1994 Harvard University: B.A. *cum laude* in English and American Literature and Language

### RELATED EXPERIENCE

- 2016– Board Member, American Academy for Liberal Education.
- 2014–2016 Board Member, American Civil Rights Coalition.
- 1997– Professional and Developmental Editor. Projects in a wide variety of disciplines for Harvard, University of Chicago, and Boston University faculty including Nobel laureate in economics James Heckman, psychologist Stephen Kosslyn, rhetorician Wayne Booth, sociologist Donald Levine, and philosopher Jonathan Lear. Literary agent for Wayne Booth estate for Booth's autobiography (2006). Editor of Thomas Thibault's novels *Balto's Nose* (2011) and *The Man Who Stole Himself* (2014).
- 2004–2005 Staff Assistant. Department of Sociology, Harvard University, for sociologists Michèle Lamont and Mary Brinton. Publishing Assistant, *Perspectives*, Newsletter of the Theory Section of the American Sociological Association.
- 1995–2004 Research Assistant to Donald Levine (1999–2004), Joseph Williams (1997–1998), and George H. Williams (full time, 1995–1996).
- 1999–2001 Student Liaison to the Board of Trustees, University of Chicago. Three terms.
- 1999–2001 Program Assistant. American Academy of Arts and Sciences, Midwest Center, Chicago.
- 1997–98 Project Manager. Meadville-Lombard Theological School, Chicago. Survey of directors of theological consortia in the United States and Canada.
- 1996–97 Operations Manager. Boston Theological Institute (consortium of nine schools), Newton, MA.
- 1995–96 Editorial Intern. *Boston Book Review*, Cambridge, MA.
- 1994–95 Senior Project Manager. Database Publishing Group, Cambridge, MA. Supervised about 20.

### TEACHING

#### University of Chicago

- Spring 2007 Guest Lecturer, Human Being and Citizen (gen ed freshman core course)
- Autumn 2005 Lecturer, Human Being and Citizen, two sections

2005–06 Faculty Fellow, Vincent House, Burton-Judson Courts  
 2002–03; 2003–04 Writing Instructor and Teaching Assistant, Human Being and Citizen  
 Spr. 2001; Spr. 2004 Teaching Assistant and Discussion Leader, The Organization of Knowledge  
 (general education capstone course for fourth-year students)  
 Autumn 2003 Guest Lecturer, Conflict Theory and Aikido  
 Spring 2003 Teaching Intern, Classics of Social and Political Thought (gen ed core course)  
 Course completed on Pedagogies of Writing, Spring 2002

**Harvard University**  
 2005–06 Nonresident tutor in sociology, Lowell House

**University of Delaware**  
 Spring 2009 Guest Lecturer, Ethics and the Human Genome (course for Honors freshmen)

**Lone Star College–Kingwood**  
 Spring 2011 Guest Lecturer on free speech in American government

**University of Wisconsin–Stout**  
 Spring 2012 Guest Lecturer, General Ethics

**University of Pennsylvania**  
 Spring 2014 Guest Lecturer, Contemporary Social Policy (course for MSW students)

**Charles Koch Institute**  
 January 2015 Instructor, Free Speech and Academic Freedom (four-week course for early-career professionals)

**Simmons College**  
 December 2016 Guest Lecturer, Social Welfare Policy (on free speech and “social work values”)

## **PUBLIC SPEAKING AND COLLOQUIA**

2016 Discussant (with honorarium), “The Future of Higher Education,” Liberty Fund colloquium (8/4/16–8/7/16).

2008–15 Lecturer on academic freedom, free speech, due process, and individual rights in higher education for:  
Higher education organizations: Institute for Humane Studies, Leadership Institute, Students For Liberty regional conferences (Texas 2x, North Carolina 2x, Philadelphia 2x), Association of Big Ten Students, Delta Kappa Epsilon.  
Community groups: Harvard-Radcliffe Club of Philadelphia, Lehigh Valley Tea Party, Frankford-Northeast Philadelphia Rotary Club.  
Law schools: University of Chicago, Michigan State University, Florida State University, Pepperdine University, Georgia State University.  
Undergraduate colleges and universities: U. of Chicago, Michigan State U., U. of Virginia, American U., Colorado College, Towson U., Wabash College, DePauw U., Binghamton U., U. of Wisconsin System (several campuses), Sacramento State U., Merced College, California Polytechnic State U., Georgia Tech, East Georgia College, U. of North Florida, U. of South Florida, U. of Central Florida, Florida Gulf Coast U., Florida State U., U. of Florida, U. of California at San Diego, St. Joseph’s U., Syracuse U., U. of Iowa, Cornell College, Tarleton State U., Sam Houston State U., Lone Star College–Kingwood, Belmont U., Vanderbilt U., Purdue U. Calumet, Texas State U., U. of Texas–San Antonio, Troy U., Troy U. Boards, Baylor U.  
International: U. of Kent, U. of Sheffield, East Midlands Salon.

2015 Panelist, “Entrepreneurship, Innovation, and the Rule of Law: How to Return America to Prosperity,” Colloquium, Alexander Hamilton Institute (Verona, NY, 4/16/15–4/18/15).



- 2013 Panelist introducing Charles Koch Foundation programs, National Association of Scholars annual conference, NYC (3/2/13).
- 2012 Panelist, “Binding the Minotaur: The Problem of Limited Government,” Carl B. Menges Colloquium, Alexander Hamilton Institute (Verona, NY, 4/12/12–4/14/12).  
 “Conquer Your Campus for Free Speech” panel, International Students For Liberty Conference, Washington, DC (2/18/12).  
 Discussant (with honorarium), “Advanced Topics in Liberty: Hayek on Liberty,” Institute for Humane Studies/Liberty Fund colloquium (1/13/12–1/15/12).  
 “Video Activism: Tips of the Trade” panel, Conservative Political Action Conference, Washington, DC (2/10/12).
- 2011 Keynote Speaker, North-American Interfraternity Conference, Washington, DC (4/10/11).  
 “Making Your Entire Campus a Free Speech Zone,” First Amendment Day conference, Iowa State University, Ames, IA (4/7/11).  
 “Defending Free Speech on Campus” panelist (ballroom), Conservative Political Action Conference, Washington, DC (2/12/11).
- 2010 “‘Justice’ Gone Wrong: The Brainwashing Curriculum at the University of Delaware,” Association for Integrative Studies 32nd Annual Conference, San Diego, CA (10/9/10).  
 “Ancient Rhetoric and Contemporary Interdisciplinarity,” Association for Integrative Studies 32nd Annual Conference, San Diego, CA (10/8/10).  
 Interview on *Extension 720* with Milt Rosenberg (radio show, Chicago, 7/13/10).
- 2009 Panel remarks, “Liberal Arts Education in the 21st Century,” with Roger Kimball and James Piereson, Hamilton College, Clinton, NY (10/26/09).  
 “The Brainwashing Curriculum at the University of Delaware,” panel on “Are the Dorms Being Politicized?” National Association of Scholars conference (1/11/09).
- 2008 Moderator, “What Form of Transparency and Accountability Should Donors, Students and Parents Expect from Academic Institutions?” panel, American Freedom Alliance International Conference, “How Free is the University?” Los Angeles, CA (6/16/08).  
 “‘Habits of Mind’? The Brainwashing Curriculum at the University of Delaware.” Educational Policy Conference 19, Constitutional Coalition, St. Louis, MO (1/25/08).  
 Repeated, American Freedom Alliance International Conference (6/15/08).
- 2007 Remarks on starting new academic centers, “Teaching the Great Books” panel, Association of Literary Scholars and Critics (ALSC), Chicago (10/07).  
 Remarks on *Faculty Rights Handbook*, Lehrman Summer Institute, Princeton, NJ (6/07).
- 2006 Introductory remarks on Lehrman American Studies Center, Lehrman Summer Institute, Princeton, NJ (6/20/06).  
 Moderator, panel on “Revising the Civic Literacy Test Questions,” National Civic Literacy Board faculty advisors meeting, Princeton, NJ (6/21/06).  
 Introductory remarks on Miller Center for the Teaching of America’s Founding Principles, Miller Summer Institute, Boulder, CO (8/1/06).  
 Introductory remarks, National Summit on Building Academic Centers, Harvard University, Cambridge, MA (11/10/06).  
 Memorial Tribute to Wayne Booth, National Communication Association, San Antonio, TX (11/17/06).
- 2005 Discussant (with honorarium), “Free Trade and Globalization” colloquium, Liberty Fund, Mecosta, MI (6/9/05–6/11/05).
- 2004 Discussant (with honorarium), “Liberal Education in a Free Society” colloquium, Liberty Fund, Mecosta, MI (11/4/04–11/6/04).  
 Introductory remarks, lecture by Josiah Bunting on “The Quadrangle and the Arena,” University of Chicago (9/28/04).

Adam Kissel – 3

- 2003 Discussant, Politics and Rhetoric Section, 61st Annual Conference of the Midwest Political Science Association, Chicago (4/3/03).  
Discussant, Political Theory Workshop, University of Chicago (1/6/03).
- 2002 “Architectonic Rhetoric.” Humane Studies Fellows Research Colloquium, IHS (5/18/02); IHS Summer Fellows Colloquium and IHS Social Change Workshop (June 2002).  
“Western Civilization at the University of Chicago,” introductory remarks for a roundtable discussion I organized for a National Association of Scholars conference (6/1/02).
- 1999 “The University in Crisis,” Mandel Hall, University of Chicago (6/5/99).  
“Consumerist Culture and the Future of Liberal Education: Tensions at the University of Chicago,” Eighth Conference of the NAS, Chicago (4/18/99).  
“Saving the University of Chicago,” remarks at a reception for the American Council of Trustees and Alumni, Chicago (4/18/99).  
Interview on *Extension 720* with Milt Rosenberg, April.  
“How the Rhetoric of Nature Informs the Rhetoric of the Ethics of Cosmetics in *A Discourse of Artificial Beauty* (1662),” SUNY-Binghamton graduate student conference (4/9/99).
- 1998 Introductory remarks for a debate on “Political Correctness: Myth or Menace?” among Alan Charles Kors, Harvey Silverglate, and John K. Wilson, University of Chicago (10/30/98).

## WRITING

- 2017 “Beyond Censorship: Toward a Republic of Science.” Chapter in *Beyond McDonaldization: Visions of Higher Education*. Routledge. Expected in April.  
“Censorship in the UNC System: A Historical Overview That Corrects the Narrative.” With Mike Adams. Accepted for publication in *Academic Questions*.
- 2007–16 Appearances on MSNBC and Reason.tv; interviewed and quoted in many publications (including Associated Press stories); many radio appearances; several op-eds in student newspapers; articles in *The Huffington Post*, *The Daily Caller*, and *Minding the Campus*. Most items have regarded FIRE cases and other cases involving individual rights.
- 2007–12 Hundreds of entries on FIRE’s blog, *The Torch* (thefire.org/author/adamk).
- 2005–13 Editor of ~75 titles in series of Great Books study guides (gradesaver.com).
- 2013 “Victims as Victimizers,” book review of Bruce Bawer, *The Victims’ Revolution: The Rise of Identity Studies and the Closing of the Liberal Mind*, *Academic Questions* 26:1 (March), 106–10.
- 2012 Contributor to “One Hundred Great Ideas for Higher Education,” *Academic Questions* 25:4 (Winter), 492.
- 2011 “Will Universities Rediscover Their Core Mission as They Shrink?” *Academic Questions* 24:4 (Winter), 429–37.  
“Colleges Forced to Redefine Speech and Assault Codes, Destroy Civil Liberties,” *The Heartlander* (Sept. 5).
- 2010 “Syracuse Law School Gags Speech,” op-ed, *New York Post* (Dec. 20).  
Pseudonymous literature review in an academic journal (2,000 words).  
“Resolving Interdisciplinary Conflicts Using Ancient Heuristic Strategies,” Emerging Scholars Forum, *Association for Integrative Studies Newsletter* 32:3 (Oct.), 8–9.
- 2009 “A Political Test for Teachers: U of Minnesota’s Ed-School Travesty,” op-ed, *New York Post* (Dec. 28).  
“Stanford University Punishes Dissent When Training Teachers,” op-ed, *Washington Examiner* (July 29), 21. Simultaneously printed in *San Francisco Examiner*.  
“Wasting Away: Chicago’s Declining Core.” *Academic Questions* 22:3 (Summer), 298–313. Updated and reprinted as “The University of Chicago—What’s Been Lost” at *Minding the Campus* online (Nov. 19).



- “Sex, Lies, and Residence Life: Delaware’s Thought Reform.” *Academic Questions* 22:2 (June), 191–99.
- 2007 *To Kill a Mockingbird* (GradeSaver Lesson Plans). GradeSaver LLC. 114 pages.
- Center Development Handbook* (with Michael Andrews). Wilmington, DE: Intercollegiate Studies Institute. 120 pages.
- Faculty Rights Handbook* (with Sharon Browne). Wilmington, DE: Intercollegiate Studies Institute.
- 2005 “Writing Resource Center: What Makes a Good Essay?”  
gradesaver.com/resources/goodessay.html. 4,000 words.
- “Writing Resource Center: Academic Essays.” gradesaver.com/resources/academic.html. 5,000 words.
- “Writing Resource Center: Admission Essays.” gradesaver.com/resources/admission.html. 5,000 words.
- “Writing Resource Center: Scholarship and Award Essays.”  
gradesaver.com/resources/scholarship.html. 4,700 words.
- 2001 “You Gonna Do That in Public?” *Regeneration Quarterly* 7:3 (Fall 2001), 8–9.
- “Synergy in Chicago.” *Regeneration Quarterly* 7:3 (Fall 2001), 5.
- “Abstinence as Higher Education?” *Project Reality News* 5:1 (Aug. 2001). Reprint of “Courtship Classes,” University of Chicago *Criterion* 5 (Nov. 2000).
- 2000 “How I Became a Campus Revolutionary.” *Regeneration Quarterly* 6:3 (Fall 2000), 6–8. Reviewed in *Christianity Today* (12/4/00: “a writer to watch”); cited in *Lingua Franca* 11:3 (Apr. 2001) and in David Kirp, *Shakespeare, Einstein, and the Bottom Line*.
- “An Administrative Biography of Don Randel.” University of Chicago *Free Press*, 2000. Quoted in *University of Chicago Magazine* (Dec. 2000).
- 1999 “The Current and Future Status of the University of Chicago.” Summary of the work of four standing committees of the student government and dozens of interviews. Published at the University of Chicago, May 1999.
- 1998 Report on Wayne Booth’s course, “The Rhetorics of Science and Religion.” *Faith and Science Exchange Newsletter* (1998).
- 1997 “Humanities and the Great Books.” Review of *Literature Lost* by John Ellis. University of Chicago *Criterion* 2:3 (Dec. 1997), 16–17.
- 1996–97 Editor, *Boston Theological Institute Newsletter* (weekly publication).

## EXPERT WITNESS

Testified at Georgetown University on due process and academic freedom in a faculty member’s disciplinary case (2011).

## FELLOWSHIPS AND AWARDS

“Champion of the First Amendment” Award, Greenlee School of Journalism and Communication, Iowa State University, 2011.

First Prize, National Awards for Education Reporting, National Education Writers Association, for “Please Report to Your Resident Assistant to Discuss Your Sexual Identity—It’s Mandatory!” 2009.

Philadelphia Society conference stipend, 2005.

Western Civilization Fellowship (\$20,000), Intercollegiate Studies Institute, 2004–05 and summer 2005.

Department nomination and first alternate, Benjamin Bloom Dissertation Fellowship, 2004.

Karen DiNal Memorial Award for teaching undergraduate academic writing, 2003.

Earhart Fellow, 2002–03, 2003–04, 2004–05.

Institute for Humane Studies Fellow, 2001–02, 2002–03, 2003–04, 2004–05.

Institute for Humane Studies Summer Research Fellow, 2002.

Conference travel stipends, Committee on Social Thought, April 1999, June 2002.

Full tuition and stipend fellowship, University of Chicago, 1998–2001.  
ALSC conference travel stipends, 1997, 1998.  
Hayward Scholarship, Harvard University, 1991–92, 1992–93, 1993–94.  
Malcolm Holmes Scholarship, Harvard University, 1990–91.  
Stephen MacDiarmid Award, Harvard University, 1990.

## **DISSERTATION**

Deliberative Architectonic Rhetoric: A New Method for Resolving Interdisciplinary Conflicts.  
Committee: Danielle Allen (Chair), †Donald Levine, †Wayne Booth, Richard Buchanan.  
Abstract: Interdisciplinary deliberations about a specific problem often depend on identifying its characteristics using a nondisciplinary framework. Deliberators can arrive at better decisions by employing a comprehensiveness criterion. I propose a method for such communication that integrates stasis theory from ancient rhetoric with contemporary work on rhetorical invention.

## **ADDITIONAL RESEARCH**

Prepared a study of foreign-language references in Max Weber's *The Protestant Ethic and the Spirit of Capitalism* used for correcting the fourth edition of the Roxbury translation (Stephen Kalberg, Boston University, Oxford University Press, 2009 and 2010 editions).

## **FOREIGN TRAVEL**

Europe: Ireland, Scotland, England, Norway, Sweden, Denmark, Belgium, Netherlands, Luxembourg, France, Germany, Switzerland, Italy, Slovenia, Turkey.  
Asia: Turkey.  
North America: Canada, Mexico.

## **LANGUAGES STUDIED (reading only; all need review)**

German	High Pass, University of Chicago translation exam
Attic Greek	one year, university study
Biblical Hebrew	two years, university study
Latin	one year, university study
Spanish	four years, high school study; independent study

Duolingo language trees completed: Italian, Spanish, Portuguese, French, Dutch, Danish, Norwegian, Swedish, Ukrainian, Russian, Polish.

## **Carlos G. Muñiz**

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### **Government Experience**

**Office of Attorney General Pam Bondi**, *Deputy Attorney General and Chief of Staff*. Managed 400-lawyer agency. Oversaw all functions, including major litigation, legislative affairs, and communications. Matters handled include national “ObamaCare” lawsuit, BP oil spill response, and national mortgage settlement. Jan. 2011 to Jan 2014.

**Florida House of Representatives**, *Deputy Chief of Staff and Counsel*. Served three speakers and oversaw multiple policy councils, including education council. Directed successful litigation against Seminole Gaming Compact. Jul. 2007 to Oct. 2009.

**Florida Department of Financial Services**, *General Counsel*. Managed 50-lawyer department and directed outside counsel. Apr. 2005 to Nov. 2006.

**Office of Governor Jeb Bush**, *Deputy General Counsel*. Legal advisor to governor and staff, and member of senior management. Oversaw agency legal departments and directed outside counsel. Authored appellate briefs. Jan. 2001 to June 2003.

### **Law Firm Experience**

**McGuireWoods**, Tallahassee, FL. *Partner and SVP*. Practice focuses on state attorneys general. Civil litigation matters include defense of FSU in Jameis Winston Title IX case and defense of for-profit education client in multi-state investigation. Jan. 2014 to pres.

**GrayRobinson, P.A.**, Tallahassee, FL. *Shareholder and Counsel*. Practice included civil and administrative litigation. Apr. 2010 to Jan. 2011; June 2003 to Apr. 2005.

**Bancroft PLLC**, Washington, D.C. *Managing Director*. Practice included civil litigation and general corporate counseling. Oct. 2009 to Apr. 2010.

**Hogan & Hartson L.L.P.**, Washington, D.C. *Associate*. Member of business, finance, and corporate practice group. Sept. 1999 to Dec. 2000.

### **Education and Federal Judicial Clerkships**

**Yale Law School**, J.D., June 1997. Member of *Yale Law Journal*.

**University of Virginia**, B.A. with High Honors in Government and Foreign Affairs, May 1991. Echols Scholar; Government Honors Program; Phi Beta Kappa.

**Judge José A. Cabranes**, U.S. Court of Appeals for the Second Circuit. 1998 Term.

**Judge Thomas A. Flannery**, U.S. District Court, District of Columbia. 1997 Term.



# Lee-Douglass Russell Simmons

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## WORK EXPERIENCE:

### **Office of U.S. Senator Rob Portman: Deputy Chief of Staff and Director of Administration**

January 2015 – Present

- Senior staff member responsible for managing office budget, IT policies, and administrative operations of the DC office and 4 Ohio regional offices
- Oversee the scheduling process and daily implementation of the Senator's schedule
- Organize and execute special events and projects for the Senator
- Responsible for advising the Senator and Chief of Staff on compliance with Senate Ethics in role as Ethics Certification Officer for the office
- Serve as primary point of contact between the office and Senate Chief Counsel for Employment for legal advice pertaining to sensitive employment and labor law issues when necessary
- Manage 2 staff assistants, Director of Scheduling, Deputy Scheduler and a Special Assistant

### **National Republican Senatorial Committee (NRSC): Deputy Finance Director**

February 2014 – December 2014

- Managed donor relations, scheduling, travel logistics, briefing materials, correspondence and call time for NRSC Vice Chairman Rob Portman
- Oversaw Regional Finance Directors in their efforts to organize and execute NRSC fundraising events across the country
- Organized and executed NRSC Fundraising events in Texas
- Worked closely with the Senate offices to secure Member participation in NRSC events in DC and nationally
- Approved all NRSC Finance invitations, briefing papers and donor correspondence

### **Office of U.S. Senator Ted Cruz: Director of Scheduling**

January 2013 – February 2014

- Served as the Senator's primary point of contact for all scheduling matters in DC, Texas and nationally
- Coordinated, managed and implemented the Senator's daily schedule, long-term schedule and travel logistics
- Assigned staff to prepare briefing materials and staff the Senator
- Created and implemented the scheduling, briefing paper and staffing process
- Performed Executive Assistant duties for the Senator
- Managed 2 Deputy Schedulers and a Special Assistant

### **Republican National Committee (RNC): Director of Events**

October 2011 – December 2012

- Organized and executed Major Donor fulfillment events associated with the RNC Major Donor Programs and Romney Victory Major Donor Programs
- Prepared briefing materials for RNC officials attending Major Donor fulfillment events
- Served as the RNC Finance Department's surrogate contact for scheduling, travel logistics and briefings
- Maintained strong working relationships with hospitality management and vendors nationally
- Managed Deputy Events Director

### **Office of U.S. Senator Kay Bailey Hutchison: Director of Scheduling**

July 2009 – October 2011

- Served as the Senator's primary point of contact for all scheduling matters in DC, Texas and nationally
- Coordinated, managed and implemented the Senator's daily schedule, long-term schedule and travel logistics
- Assigned staff to prepare briefing materials and staff the Senator
- Managed the Executive Assistant, Deputy Scheduler and Special Assistants

### **The Larrison Group, LLC: Associate**

August 2007 – October 2008

- Assisted Governor Haley Barbour with identifying and contacting prospective corporate and personal donors for the Republican Governors Association
- Assisted in fundraising for Governor Haley Barbour's 2007 Re-Elect and 2008 Inaugural Ceremony
- Organized and managed Governor Haley Barbour's national political travel in conjunction with the Republican Governors Association and his Leadership PAC

### **The White House: Executive Assistant to the Assistant to the President for Economic Policy and Director of the National Economic Council (NEC)**

February 2005 - August 2007

- Served as the Director's primary point of contact for all scheduling matters
- Coordinated, managed and implemented the Director's daily schedule, long-term schedule and travel logistics
- Scheduled and coordinated the Director's meetings with White House Senior Staff, Cabinet Officials, Congressional Members, foreign government officials, and domestic and international corporations
- Coordinated NEC Presidential Policy Meetings, NEC Principal Meetings and events sponsored by NEC
- Assisted the Director in managing NEC's daily operations

**The White House: Scheduler, Office of Presidential Appointments and Scheduling**

May 2004 - February 2005

- Created, developed and produced the President's daily schedule, two week planning schedule and three-month block calendar
- Worked with advance representatives, United States Secret Service and White House Military Office to coordinate sophisticated logistics and created detailed schedules for domestic and international travel
- Participated in international site surveys in order to meet and coordinate with foreign ministry and US embassy officials to gather information and plan Presidential trips abroad

**U.S. Department of the Treasury: Special Assistant to the Office of Scheduling and Advance**

April 2003 - May 2004

- Assisted the Director of Scheduling with the scheduling of daily appointments, travel and strategic planning
- Provided support for international and domestic travel
- G-7 Finance Ministerial Meetings (Feb. 2004 / May 2004)
  - Managed the Secretary's bilateral meeting schedule
  - Organized hotel accommodations, meeting rooms and staff offices for the foreign delegations

**Office of Senator Jeff Sessions: Staff Assistant**

January 2003 - April 2003

- Assisted staff with numerous tasks including organization of mail and answering telephones
- Remained knowledgeable on a wide variety of issues in order to answer questions and communicate the Senator's position to constituents

**EDUCATION:**

**University of Alabama**, Tuscaloosa, Alabama

August 2002

Bachelor of Arts - Public Relations

**Oxford University**, Oxford, England

Summer 2002

Study Abroad focusing on British Politics & Modern British Literature

**BOARDS:**

**Trustee**, Oldfields School Board of Trustees

June 2008 – October 2010

- **Co-Chair**, Board of Trustees Development Committee

**HONORS:**

**The Secretary's Honor Award**, U.S. Department of the Treasury

May 20, 2004

**Lee-Douglass Russell Simmons**  
**Salary History and Addresses**

**Office of U.S. Senator Rob Portman: Deputy Chief of Staff and Director of Administration**

448 Russell Senate Office Building  
Washington, DC 20510  
January 2015 – Present  
Salary: \$157,500

**National Republican Senatorial Committee (NRSC): Deputy Finance Director**

425 Second Street, NE  
Washington, DC 20002  
February 2014 – December 2014  
Salary: (b)(6)

**Office of U.S. Senator Ted Cruz: Director of Scheduling**

404 Russell Senate Office Building  
Washington, DC 20510  
January 2013 – February 2014  
Salary: \$95,000

**Republican National Committee (RNC): Director of Events**

310 First Street, SE  
Washington, DC 20003  
October 2011 – December 2012  
Salary: (b)(6)

**The University of Alabama**

College of Communications and Information and Sciences  
Tuscaloosa, AL 35487



## EBONY L. LEE

(b)(6)

### **EDUCATION:**

Brown University, Providence, Rhode Island, May 1996

**Bachelor of Arts in Public Policy & American Institutions**

Regent University, Virginia Beach, Virginia, 1998

**Master of Arts in Public Policy candidate**

*Master's Thesis: "Parental Choice in Education in Ohio"*

### **EXPERIENCE:**

**Bill and Melinda Gates Foundation, K-12 States, Districts and Charters Team, Washington, DC**

*Senior Program Officer, Charter Lead*

*(September 2012- present)*

- Develop strategy and lead matrixed team of program officers on national charter team
- Oversee and manage national charter portfolio of over \$40M in grants to schools, charter management organizations, public policy organizations, school intermediaries and technical assistance providers
- Foundation representative for charters with national and local philanthropic community

*Program Officer, U.S. Program Advocacy*

*(September 2010- September 2012)*

- Created and managed teacher effectiveness and teacher voice \$20M portfolio of grantees
- Designed and convened meetings of grantees, public events and foundation executive learning trips

*Portfolio Manager, U.S. Program Advocacy*

*(October 2007 - September 2010)*

- Managed \$20M annual grants and contracts budgets for USP Advocacy program areas
- Coordinated grant-making process for team of program officers across multiple program areas and disciplines
- Served as program officer on national charter advocacy portfolio

**U.S. Department of Education, Office of Innovation and Improvement, Washington DC**

*Chief of Staff*

*(May 2007 – October 2007)*

- Primary administrator for immediate office staff of 90 persons for communications, policy, budget and personnel
- Office representative and liaison to Department senior staff, the Executive branch and other intra-agency offices
- Provided strategic direction to the Assistant Deputy Secretary to promising educational interventions, including reforms that expand parental choice and options including charters schools, public school choice, and non-public education

**Office of Communications and Outreach**

*Deputy Director of External Affairs*

*(October 2005 – May 2007)*

- Served as Department's liaison to think tank, reform, and foundation organizations.
- Responsible for coordinating outreach and implementation of Department's priorities in promoting *No Child Left Behind* to stakeholder groups
- Conducted visits and events in conjunction with or on behalf of the Secretary of Education.
- Assisted in the development of informational materials such as pamphlets, toolkits, fact sheets and briefing materials

**U.S. Department of Justice, Office of Intergovernmental and Public Liaison, Washington, DC**

*Associate Director*

*(September 2003 – October 2005)*

- Principal liaison to nongovernmental organizations on department issues such as religious freedom, civil rights, trafficking, obscenity, abortion, juvenile crime, hate crimes, and Amber Alert.
- Advised, coordinated and prepared briefs and speeches on behalf of the Attorney General and other senior department officials on relevant issues.
- Department representative to federal, state, and local government agencies and entities.
- Granted Top Secret Clearance.

**American Cancer Society, Southeast Division, Atlanta, GA**

*Grassroots Coordinator, Georgia*

*(March 2001 - August 2003)*

- Responsible for volunteer and staff grassroots infrastructure and program for entire state.
- Developed and conducted skills and issues trainings on continual basis.
- Coordinated and conducted state and federal legislative meetings.

- Produced legislative alerts, fact sheets, and bi-monthly newsletter for advocates.
- Managed volunteer member and legislative database.
- Liaison to external organizations and coalitions to mobilize support for ACS issues.
- Chief Trainer for signature advocacy event “Celebration on the Hill,” for three-state division (North Carolina, South Carolina, Georgia).

#### **Edison Group, Atlanta, GA**

*Manager, Public Affairs*

*(April 2000 – March 2001)*

- Managed daily operations of several client campaigns including *the Georgia Early Learning Initiative and the Healthcare Leadership Council*.
- Responsibilities included developing grassroots action plan and earned media strategy, and legislative lobbying on state and congressional level.
- Liaison for client between legislators, business community, non-profits, and other targeted audiences.
- Disseminated information to national, state, and local media outlets including press releases, advisories, and conferences on behalf of clients.
- Designed, produced and conducted educational workshops, seminars and media events across the state.

#### **Citizens for a Sound Economy, Washington DC**

*Grassroots Events Coordinator*

*(Jan 1999 – March 2000)*

- Event planner for major campaign events to ensure successful coordination of grassroots activities.
- Responsible for coordination of logistics, attendance, site and staff selection, budget, catering, and travel.
- Coordinated organization’s role in conventions and conferences to raise visibility, recruit members and promote issues.
- Campaign coordinator and grassroots liaison to school choice campaign.
- Responsible for coordinating events and education of activists on issues involving school choice.
- Conducted follow-up workshops for volunteer recruitment and cultivation.

*Grassroots Assistant*

*(July 1998 – Jan 1999)*

- Produced, researched and wrote copy for outreach mailings/updates, CSE newsletter, and training manuals.
- Managed grassroots activist database.
- Assisted with assembly of invitations and mailing lists to target audience.
- Aided in site selection, coordination, and invitations.
- Managed attendance for grassroots events.
- Travel coordinator and itinerary planner for grassroots staff.



# Johnathan M. Holifield

(b)(6)

## EXECUTIVE SUMMARY

Author of groundbreaking book on innovation development, economic inclusion and U.S. competitiveness. Entrepreneurial, senior community economic empowerment executive with track record of executing state and regional policy and program initiatives across diverse disciplines. Systems thinker known for ability to proactively conceptualize and implement innovative economic strategies. Proven experience building cohesive teams dedicated to achieving objectives. Participative leadership style with highly effective communication, motivational and management skills. History of affecting multiple policy levers and significant public and private sector fundraising experience.

## INTERDISCIPLINARY AREAS OF EXPERTISE

- |  |                                 |                                   |
|--|---------------------------------|-----------------------------------|
| • Community / Regional Development     | • Education / Government Reform | • Capital Formation / Investment  |
| • Economic Competitiveness / Inclusion | • P&L / Budget Management       | • Public Relations / Earned Media |
| • Public / Private Partnerships        | • Entrepreneurial Ecosystems    | • Innovation Development          |
| • Workforce / Human Services           | • Law / Legal Frameworks        | • Urban Greenspace                |

## PROFESSIONAL EXPERIENCE

### SCALEUP PARTNERS LLC (formerly The America21 Project); Cleveland, Ohio

2010 – Present

#### Co-Founder and Principal

Lead consultancy's national advocacy and business development, including writing blogs for national platforms and conducting conferences, workshops and summits on Inclusive Competitiveness® throughout the U.S.

- Author of the groundbreaking book, *The Future Economy and Inclusive Competitiveness* (available on Amazon).
- Nominated to lead panel discussion at the first White House Summit on Entrepreneurship for Historically Black Colleges and Universities, resulting in partnership with Clark Atlanta University to hold the first national summit on community economic development, inclusion and competitiveness.
- Executed partnership with Rutgers University to host the nation's first summit on angel investing, higher growth entrepreneurship, STEM education and policymaking in urban communities.
- State Director of Inclusive Competitiveness, Ohio Youth STEM Commercialization and Entrepreneurship Program, producing the first statewide Urban STEM and Entrepreneurship Mentoring Network.
- Established partnership with BioEnterprise, a major bioscience venture-development organization, to create the nation's first conference on urban and minority biomedical entrepreneurship.

### NORTECH (NORTHEAST OHIO TECHNOLOGY COALITION); Cleveland, Ohio

2012 – 2014

#### Founding Vice President, Inclusive Competitiveness

Working with key partners, led creation of policies, processes and practices to increase innovation ecosystem impact by improving the productivity of underserved populations in clusters and emerging industry sectors.

- Introduced community economic development, inclusion and competitiveness imperative and influenced regional shift to focus on core cities development, earning philanthropic, government and organizational buy-in.
- Provided the vision and authored the *Ohio Department of Higher Education Statewide Report* on Inclusive Competitiveness, leading to new state accountability for improving opportunities for the underrepresented.
- Advocacy leadership with the State of Ohio helped achieve new \$10 million investment fund for underrepresented businesses and \$1 million internship program, with specific outreach to underrepresented students.
- Developed, advocated and secured a \$5 million appropriation from the State of Ohio to create the state's first STEM education and entrepreneurship program for high school students.

### TRIM TAB SYSTEM, LLC; Cleveland, Ohio

2009 – 2012

#### Founder

Consultancy focused on development and leadership methodology and tools to generate exponential organizational and community impact.

- Influenced county government to invest in the area's *first community benefits plan* related to a \$500 million project, leading to new policy and program to ensure residents benefit from large-scale developments.
- Retained as adviser to regional land conservancy, *creating the plan* that resulted a new statewide institute employing land acquisition and banking strategies to assist areas decimated by property foreclosure crisis.



**URBAN LEAGUE OF GREATER CLEVELAND; Cleveland, Ohio****2007 – 2009****President and Chief Executive Officer**

Assumed overall executive leadership of financially troubled, \$2.5 million organization, with a staff of 20, and was accountable for all stabilization strategies and tactics.

- Restructured the corporate investor model to increase mission share from 30 percent to 90 percent, decreasing debt balance and expenses by 11 percent.
- Won grant competitive funding of \$1.5 million from corporate, philanthropic, and government sources which increased total revenue by 8 percent, while managing financial emergency.
- Negotiated loan forbearance agreements with key commercial creditors to conserve cash, demonstrating institutional integrity and increasing organizational credibility.

**BUFFALO OLMSTED PARKS CONSERVANCY; Buffalo, New York****2006 – 2007****President and Chief Executive Officer**

Recruited executive leader of \$2.7 million organization operating the city's urban parks system, managing 14 full-time and 60 seasonal employees and unique contractual agreements with the city and county governments.

- Teamed with select trustees to negotiate a groundbreaking settlement-distribution process with state power authority and city and county governments, leading to a \$100 million investment in a new greenway project.
- Led the organization through Federal Major Disaster Declaration, conceived and employed novel legal strategies that obtained key financial and human resources from city, county, state, and federal agencies.
- Eliminated a projected budget deficit of \$250,000, re-established organizational credibility and improved staff morale by fundraising more than \$1 million, exceeding goals by more than 200 percent.
- Persuasively advocated and won philanthropic investment for community master planning initiative, resulting in a \$252 million urban-parks system maintenance and restoration plan.

**COUNCIL FOR WORLD-CLASS COMMUNITIES; Benton Harbor, Michigan****2005 – 2006****Executive Vice President**

Recruited to provide executive leadership, revitalizing not-for-profit organization focused on entrepreneurship, collaborative community economic development and diversity and inclusion.

- Envisioned and designed a community benefits plan for a \$500 million project in the state's economically lowest-performing city that ensured job and business contracting opportunities for residents.
- Led more than 40 diverse civic organizations, resulting in campaign that ensured a safe summer season in the aftermath of a racially-charged incident involving youths.

**CINCINNATI USA REGIONAL CHAMBER and CINCYTECH; Cincinnati, Ohio****2000 – 2004****Founding Vice President, New Economy Enterprise – Cincinnati USA Regional Chamber****Founding Executive Director – CincyTech**

Recruited to build the region's first technology and innovation collaborative leadership organization, leading program development, managing revenue and expenses and overseeing marketing and public relations.

- Mobilized more than 250 volunteers, including Fortune 500 CEOs and government and education leaders, for a 100-day planning project, resulting in new regional innovation leadership organization.
- From startup, spearheaded fundraising that led to more than \$2 million in financial and in-kind investment.
- Launched venture capital growth initiative, raising and leveraging more than \$40 million to create networks of more than \$250 million of early-stage risk capital, significantly increasing investment options for entrepreneurs.
- Conceived and led the creation of Ohio's first information technology public school, which became a U.S. Department of Education National Blue Ribbon School.
- Appointed by the Governor to the Joint Commission on High-Tech Business, contributing statewide thought leadership and advocacy, paving the way for the Ohio Third Frontier, the state's \$2.1 billion innovation initiative.
- Recruited partners for the first bi-state collaboration of research universities, community economic organizations, and governments to grow regional life sciences research, commercialization and entrepreneurship.

**ADDITIONAL PROFESSIONAL EXPERIENCE****MANLEY, BURKE LAW FIRM; Cincinnati, Ohio****1998 – 2000****Associate Civil Litigation Attorney**

Counseled local government officials and senior business leaders on legal aspects of community development and economic development and inclusion issues.

**HAMILTON COUNTY PROSECUTING ATTORNEY'S OFFICE; Cincinnati, Ohio****1996 – 1998****Assistant Prosecutor, Civil Division**

Legal counsel for civil matters, representing Board of County Commissioners, offices, departments, boards, and entities within political jurisdiction, and all elected county officials.

**THE CINCINNATI BENGALS FOOTBALL CLUB, INC.; Cincinnati, Ohio****1988 – 1990****Running Back**

American Football Conference Champions of the NFL.

**SELECT COMMUNITY ENTREPRENEURSHIP**

- Developed proposals and legal frameworks for county government Small Business Program for Construction of Sports Stadia, leading to new department of small business development.
- Designed and successfully advocated for community benefits plans and strategies for local development projects totaling nearly \$1.5 billion that facilitated tens of millions of dollars in contracts and hundreds of jobs.
- Created, funded and implemented Ohio's largest (\$750,000) Individual Development Accounts program, providing more than 300 earned housing grants of \$2,500 to purchase homes.
- Spearheaded and implemented scholarship fund, creating \$100,000 scholarship program for achieving students.

**SELECT GOVERNING / ADVISORY BOARDS (past / present)**

Council of Regional Economic Policy Advisors	Harbor Shores Community Redevelopment, Inc.
University of Oklahoma Economic Development Institute	Downtown Cincinnati Inc.
The Greater Cincinnati Foundation	Bio/Start Bio/Medical Start-up Center
Greater Cincinnati Venture Association	West Virginia University Alumni Association
Cleveland/Cuyahoga County Workforce Investment Board	Cincinnati State Technical and Community College Fdn.

**MEMBERSHIPS / AFFILIATIONS**

Tau Boulé, Sigma Pi Phi Fraternity	University of Cincinnati Alumni Association, life member
Omega Psi Phi Fraternity, life member	West Virginia University Alumni Association, life member

**EDUCATION / TRAINING****Juris Doctor, Law**

University of Cincinnati College of Law, Cincinnati, Ohio

**Master of Education, Educational Foundations**

University of Cincinnati College of Education, Cincinnati, Ohio

**Bachelor of Arts, Political Science**

West Virginia University Eberly College of Arts & Sciences, Morgantown, West Virginia

**Certificate, Economic Development**

University of Oklahoma Economic Development Institute, Norman, Oklahoma



# J. Justin Riemer

(b)(6)

## PROFESSIONAL EXPERIENCE

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### REPUBLICAN NATIONAL COMMITTEE (RNC), Washington, DC

#### *Deputy Chief Counsel*, November 2015-Present

- Under direction of Chief Counsel, direct RNC's legal compliance activities, including its work with the Trump-Pence Campaign and state parties and supervision of 11 staff members and various outside counsel.
- Helped oversee legal compliance for 2016 political organization with a budget of \$175 million, 300 field offices, and over 7,600 paid staff and organizers.
- Ensured legal compliance and developed content of key components of lauded GOTV program components such as Vote.gov, social media outreach, automated telephone calls, and direct mail.
- Served as legal counsel, advisor, and an editor to the 2016 Republican Platform Committee and supporting counsel to other convention committees. Counsel to the Resolutions Committee, the RNC's primary policy-orientated committee.
- Helped coordinate Counsel's Office floor operations at the 2016 National Convention, including whipping on floor Rules votes and triaging issues encountered during state roll call nomination votes.
- Primary RNC counsel and in-house expert on election administration matters such as voter registration, early and absentee voting, voting technology, recounts, and election contests.
- Serve as in-house litigation counsel managing voting-related and other cases. Conduct staff training to ensure compliance with court-enforced consent decree.
- Primary counsel for RNC digital and technology activities, including contracting and compliance with applicable RNC rules and state and federal laws. Drafted and successfully negotiated high-dollar digital contracts with companies such as Google and Adobe.
- Provide legal counsel on campaign finance compliance, House and Senate Ethics Rules, ballot access, contracts, non-disclosure agreements, labor issues, insurance, and other in-house counsel legal duties.

### U.S. SENATE COMMITTEE ON RULES AND ADMINISTRATION, Washington, DC

#### *Counsel*, 2015

- Served as counsel for Senate committee with oversight over Rules of the Senate and federal elections, including campaign finance and election administration laws.
- Provided legal counsel to Member offices and committees regarding Senate Rules, resolutions, procedures, and regulations. Advised on specific topics such as gift rules, franking regulations, and compliance with the 60 Day Moratorium Period prior to federal elections.
- Spearheaded efforts to redraft and modernize Senate technology regulations. Built bipartisan consensus among member offices and minority committee staff to achieve committee adoption of regulations.
- Negotiated and drafted terms of service agreements and contracts with technology vendors and other third-parties.
- Provided counsel and policy expertise regarding legislation involving federal elections and other areas of committee jurisdiction including the Library of Congress and Smithsonian Institution.

### JJR CONSULTING, INC., Richmond, VA

#### *Owner*, 2014-2015

- Clients included the RNC, Republican National Lawyers Association, a military voting rights organization, and a political technology and social networking start-up.
- Researched and wrote on election administration and other policy issues. Co-authored and edited Republican legal community response to the Presidential Commission on Election Administration (PCEA) report recommending improvements to election administration at the state and local levels.
- Testified before Senate Committee on Rules and Administration on the use of data in elections.
- Engaged in business development and legal compliance for a nonpartisan social networking platform.
- Developed and implemented ballot integrity program for New York GOP for 2014 General Election.



**VIRGINIA STATE BOARD OF ELECTIONS, Richmond, VA**

**Deputy Secretary, 2011-2014; Confidential Policy Advisor, 2010-2011**

- Served as chief operating officer for agency with a \$12 million budget and staff of 37 responsible for oversight of Virginia's elections.
- Supervised compliance with state and federal election laws in all election jurisdictions, including activities of 133 county and city general registrars and 402 electoral board members.
- Oversaw all agency legislative matters. Developed and implemented Governor's election-related legislative priorities. Regularly testified before General Assembly committees on proposed legislation.
- Directed all agency policy and regulatory matters, including Board rulemaking, development of guidance documents and training materials on election administration and campaign finance legal matters.
- Managed coordination of 2013 Attorney General Recount, redistricting implementation, administration of the 2012 Presidential Election, and implementation of dozens of laws including photo voter ID law.
- Drafted online voter registration bill and successfully lobbied for its passage. Legislation passed with broad bipartisan support making Virginia the ninth state to implement this important election reform.
- Coordinated with Attorney General's Office on federal and state litigation and compliance with consent decrees. Shepherded Voting Rights Act § 5 preclearance submissions through the Department of Justice.
- Managed agency's internal business operations including implementation of Affordable Care Act provisions, Freedom of Information Act (FOIA) responses, human resources, budget development, grant management and compliance, purchasing, and procurement.
- Served as agency spokesperson for press inquiries and coordinator of interest group and voter outreach.

**REPUBLICAN NATIONAL LAWYERS ASSOCIATION (RNLA), Washington, DC**

**Deputy Director, 2009-2010**

- Managed and developed all programming activities for national 5,000 member tax-exempt organization.
- Served as chief in-house legal, policy, and legislative analyst on topics including judicial nominations, health care, executive overreach, election administration, campaign finance, and constitutional law.
- Monitored and wrote on election law developments, including voter ID, military voting, state compliance with federal voting laws, voter registration issues, redistricting, and campaign finance.
- Developed and managed election law CLE training programs for hundreds of attorneys in key states in 2010 elections, in the most comprehensive undertaking in RNLA history.
- Served as Editor-in-Chief and primary contributor to association's blog, the monthly *Republican Lawyer* newsletter, and social media platforms including Facebook, LinkedIn, and Twitter.

**MCCAIN-PALIN 2008, INC., Arlington, VA**

**Associate Counsel, 2007-2009**

- Provided legal counsel on compliance with state and federal election laws and congressional ethics rules.
- Ensured legal compliance on campaign public communications, including policy statements, press releases, fundraising solicitations, and television, radio, and internet advertisements.
- Assisted in high-profile litigation involving complex constitutional, federal, and state legal issues, including intellectual property disputes.
- Co-managed and administered 6,500 member Lawyers for McCain coalition.
- Researched and drafted memoranda on federal administrative law areas including the Freedom of Information Act (FOIA), Privacy Act, Administrative Procedure Act, and Hatch Act.
- Coordinated ballot access efforts in six states.

**EDUCATION AND BAR ADMISSIONS**

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**UNIVERSITY OF BALTIMORE SCHOOL OF LAW, Baltimore, MD**

Juris Doctor, Concentration: International and Comparative Law, May 2007, GPA 3.08

**GETTYSBURG COLLEGE, Gettysburg, PA**

Bachelor of Arts in History and Religion, minor in Political Science, May 2003, GPA 3.08

**BAR ADMISSIONS:** Maryland; Virginia (inactive status); and District of Columbia

Riemer, 2 of 2

# IOSE A. VIANA

(b)(6)

## EDUCATION

North Carolina State University, Raleigh, NC <b>Ed.D. in Educational Administration &amp; Supervision</b>	<b>Currently in Progress</b>
Florida Atlantic University, Boca Raton, FL <b>P.C. in Educational Leadership (K-12)</b>	<b>2006</b>
Florida International University, Miami FL <b>P.C. in Social Science (K-12)</b>	<b>2000</b>
Barry University, Miami Shores, FL <b>M.A. in Computer Education (K-12)</b>	<b>1994</b>
Florida International University, Miami FL <b>B.A. in Elementary Education with ESOL (1-6)</b>	<b>1992</b>

## PROFESSIONAL EXPERIENCE

**2008-Present**    *North Carolina Department of Public Instruction*    Raleigh, NC  
***State Program Administrator***

Managed North Carolina's Migrant Education Program, including administration of the operational budget, and consolidated grant applications while providing guidance, leadership, professional development, and technical assistance to officials in state and local educational agencies.

Supervised program staff while coordinating quality assignments, assuring efficient work, and evaluating personnel performance using a virtual performance management plan system.

Developed the Comprehensive Needs Assessment and State Education Plan for the North Carolina Migrant Education Program by interpreting and analyzing statewide data on North Carolina's K-12 students, as well as out-of-school youth.

Established and communicated program guidelines, regulations, initiatives, and policies to state and local officials, directors, and program staff.

Evaluated Title I programs in North Carolina Local Educational Agencies (LEAs) using a Cross Program Consolidated Monitoring model.

Represented the North Carolina Federal Program Monitoring and Support Division and Migrant Education Program at state and national functions.

Nationally recognized expert on enhancing education for migratory students through technology and cultural proficiency, and on administering a quality assurance system to evaluate and monitor local programs.

Planned and managed conferences, workshops, and seminars for Title I staff on promoting student achievement, improving educational opportunities for all children, and grant management.

Consulted and advised top state and local officials and policymakers on Common Core State Standards, Dropout Prevention, Achievement Gap initiatives, and eLearning applications.

Conducted Comprehensive Needs Assessments of low performing schools in North Carolina providing systematic long-range processes for school improvement which included teacher observations,



administrative meetings, and parent interviews in order to identify areas for growth and corresponding techniques to measure adequate yearly progress.

Served as chairperson of the North Carolina Department of Public Instruction's Equal Opportunity Committee achieving an increased sensitivity to various demographic groups in the department.

Provided professional leadership and expertise to Supplemental Educational Services Providers.

**2007-2008**      *Eno Valley Elementary School*

Durham, NC

***School Administrator***

General governance and leadership of Eno Valley Elementary School, a Title I school with a substantial low income minority population.

Supervised school personnel, prepared staff professional development, assisted teachers in a school-wide effort to provide positive behavior support to students, and oversaw facilities maintenance and overall plant inventory.

Administered personnel matters including development of staff performance plans, teacher evaluations and classroom observations, application of conflict resolution strategies, and communication with union representatives.

Coordinated beginning teacher preparation through coaching, establishing a peer mentoring program, and providing effective professional development.

Designed and implemented a Professional Learning Communities model by meeting with grade-level teams, facilitating professional dialogue, and supporting teachers in an effort to provide the highest quality instruction and assessment.

Organized the school-wide integration of research-based best practices in education, including data-driven methods and trends, with the purpose of continuously improving program quality.

Analyzed school performance data in an effort to identify relevant trends and set attainable goals to support continuous improvement.

Organized opportunities for parent involvement and special events, reviewed and revised school and faculty handbooks, and created the school's master schedule.

Managed Eno Valley Elementary School's Title I Program including End-of-Grade state assessments.

Facilitated Durham County Schools Title I Parent Advisement Committee.

**1999-2007**      *Herbert Ammons International Baccalaureate Middle School*      Miami, FL

***Team Leader & Humanities Teacher***

Prepared and implemented geography, history and technology lessons for middle school students.

Evaluated student progress according to district and state criteria in geography, history and technology.

Provided guidance to Miami-Dade County officials on social studies textbook adoption, including curriculum alignment.

JOSÉ A. VIANA, 2

Represented school faculty on the Educational Excellence School Advisory Council and Parent Teacher Student Association.

Lead the International Baccalaureate Team, Social Studies Department, and Hispanic Heritage committee as chairperson.

Served as the Gradebook software manager, Community Service officer, Technology cohort representative, and beginning teacher professional growth mentor.

Coached the school Geography Bee & SECME Olympiad teams, working with students and parents to represent Herbert Ammons Middle School through academic competitions in the greater education community.

**Summer 1999** *Global Volunteers Partners in Development* Ostuni, Italy  
***English as a Second Language Teacher***

Prepared and delivered instruction in English as a Second Language to Advanced Placement high school students earning college credits in Ostuni, Italy.

**1994-2002** *Florida International University* Miami, FL  
***General Teaching Skills Instructor***

Prepared and delivered General Teaching Skills sessions to Florida International University's undergraduate students receiving a Bachelor of Science degree in Education in all levels and content areas.

Assessed and evaluated the progress of undergraduate students and their application of effective instructional techniques in the General Teaching Skills course by incorporating video-recording of lessons, and use of footage to analyze implementation of teaching skills, such as questioning strategies, higher-order thinking, and cooperative student work.

**1989-1999** *Jack Gordon & Charles Hadley Elementary Schools* Miami, FL  
***Elementary School Teacher***

Prepared and presented lessons for third through fifth grade students, including disadvantaged children in the alternative education program.

Analyzed data in order to determine student progress and identify areas for growth according to district and state criteria for third through fifth grade, including alternative education students.

Served as the school Technology Lab Specialist in the Title I program.

Awarded Teacher of the Year, was a Grant recipient, and served as a Title II Eisenhower resource educator.

Coordinator of Professional Development for school faculty, the Safety Patrol program for students, school Science Lab, and student Drama Club.

Served as Chairperson of the Third Grade Team, Hispanic Heritage Committee, and Science Fair Committee.

JOSÉ A. VIANA, 3

#### PUBLICATIONS

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- *NC Migrant Education Program Comprehensive Needs Assessment, 2012*
- *NC Migrant Education Program Service Delivery Plan, 2011*
- *NC Migrant Education Program Quality Control System Manual, 2010*
- *NC Migrant Education Program Identification and Recruitment Manual, 2009*

#### MEMBERSHIPS

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- North Carolina Department of Public Instruction Equal Opportunity Committee
- North Carolina Farmworker Health Program Executive Board
- North Carolina Cooperative Extension Latino Advisory Council
- Association of Supervision and Curriculum Development
- North Carolina Principals and Assistant Principals Association
- National Council for the Social Studies
- North Carolina Society of Hispanic Professionals
- Cuban American National Foundation
- American Conservative Union

#### LANGUAGES

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- English – speak, read, and write with competence
- Spanish – speak, read, and write with competence

JOSÉ A. VIANA, 4



# KIMBERLY M. RICHEY

(b)(6)

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## WORK EXPERIENCE

Managing Director, Federal Advocacy  
Senior Government Relations Counsel

Jan. 2016- Current

National School Boards Association (NSBA)

- Provide legal advice to state school board associations and school board members on the implementation of federal laws and regulations;
- Advise state school board associations on actions by state and federal legislation affecting educational agencies, school boards, teachers, administrators and students;
- Represent the interests of the National School Boards Association and local school boards in the legislative and executive branch, including advocating for the interests of local school boards before the federal government and among educational advocacy organizations;
- Analyze and draft legislation and regulatory language impacting all aspects of public education and inform NSBA's membership and Board of Directors of such actions;
- Work closely with state association staff to provide information and updates on all aspects of federal policy developing including pending legislation and federal regulations;
- Oversee and monitor implementation of the Every Student Succeeds Act (ESSA) and advise NSBA staff, Board of Directors, state school boards associations and local school board members on the legal requirements of ESSA, including implementation efforts of the U.S. Department of Education;
- Assist the General Counsel and the legal division in legal advocacy involving all issues affecting public schools, including active litigation, federal regulations, and state-level policy;
- Develop and oversee advocacy and grassroots development activities, including communications with members, state association staff and other stakeholders;
- Provide technical assistance presentations and continuing education to local school board members, state education agency staff, state-level education leaders, and advocacy organizations on developments in federal education law and regulations; and
- Serve as the deputy to the Chief Advocacy Officer in developing and implementing an advocacy strategy to engage and inform members of Congress, congressional staff, Administration officials, and federal agency staff.

General Counsel  
Director, Legislative Affairs  
Assistant General Counsel

July 2012-May 2015

Oklahoma State Department of Education  
Oklahoma State Board of Education

Sept. 2011-July 2012

- Serve as the agency's chief legal advisor, providing legal advice and analysis of complex legal issues to the State Superintendent of Public Instruction, Department of Education staff and State Board of Education members, and representing the agency in all legal matters and proceedings;
- Identify potential legal issues and institute monitoring procedures and solutions to ensure continued legal compliance with state and federal law;
- Provide strategic advice to Department leadership to implement statewide education policy;
- Conduct research and provide legal analysis on all issues related to state and federal education law including school finance, assessments, implementation of statewide accountability systems, transportation, student data, special education, student's rights, employment law, teacher certification and evaluations, compliance with federal civil rights laws, purchasing and contract development;
- Oversee legal staff including attorneys, paralegals, and State Board of Education staff and ensure compliance with the state's open records act and open meetings act;
- Oversee all administrative hearings initiated by the agency to suspend or revoke certification;

- Oversee active litigation, including all filings and briefs, and representing Department employees in depositions;
- Serve as rules liaison for the agency, overseeing all rule-making activities of the Board, including developing the policies enforced by the formal rules (Duties include drafting all emergency and formal rules, drafting filings, and other promulgation activities);
- Serve as legislative liaison to the legislature, the Governor's office, and other state agencies, and articulate the Department's position on education issues and pending legislation;
- Draft statutory language and advise members of the legislature on policy development;
- Provide bill analysis and policy papers on all proposed legislation affecting education;
- Perform various government affairs functions, such as communicating with interest groups, building coalitions, and identifying and developing public policy initiatives;
- Advise federal and state elected officials on issues relating to education including representing the Department's and State Board of Education interest at all governmental levels.

General Counsel/Associate Director

Jan. 2010-Sept. 2011

Assistant General Counsel

June 2009-Jan. 2010

Oklahoma Council on Law Enforcement Education & Training

- Serve as the post-secondary educational agency's chief legal advisor and provide legal advice to the Director and the educational agency's governing board;
- Oversee agency attorneys and all legal functions of the academy, including providing legal instruction in the academy and conducting continuing education seminars, representing the educational agency in legal proceedings and in all administrative actions;
- Oversee management and agency-wide implementation of the open records act, the open meetings act and the administrative procedures law;
- Serve as the agency's rulemaking liaison and perform all permanent and emergency promulgation tasks as required by the Administrative Procedures Act, including authoring the agency's permanent rule changes;
- Serve as the agency's Equal Employment Opportunity Officer (EEO), Affirmative Action Coordinator and ADA Officer, ensuring compliance with federal civil rights laws and related policies, as applied to CLEET students and faculty;
- Oversee the Investigative Unit, Technical (IT), Records, and Private Security divisions of CLEET and assist in the management of all agency operations relating to budget, basic academy, continuing education, distance learning and special projects;
- Provide legal advice in all areas relating to students' rights and school law, including Disability Services, access and accommodation, ADA compliance, admissions procedures, discipline, student's rights, certification and testing, and post-secondary readiness;
- Represent the state in administrative hearings in which the agency is seeking to revoke licensure or certification;
- Write, develop and implement all policies and procedures relating to the administration of the academy and perform legal analysis of legal issues related to the administration of the academy;
- Serve as the agency's legislative liaison and perform all legislative duties including but not limited to drafting statutory language, advising members of the legislature on education issues, and providing information to members and staff, as necessary; and
- Testify on behalf of the Council at all legislative hearings and represent the Council's interest before the legislature; and
- Coordinate stakeholder outreach, community development activities on behalf of the agency.

Attorney/ Counselor to the Assistant Secretary

Sept. 2004-Jan. 2009

Schedule C-Political Appointee – President George W. Bush

U.S. Department of Education, Office for Civil Rights

Washington, D.C.

- Provide legal advice to the Assistant Secretary and senior officials in OCR, including conducting research and authoring legal memorandum;
- Perform evaluations of federal and state law, and OCR policy and regulations and conduct legal research necessary to implement policies in OCR's twelve regional offices;



- Prepare internal and external policy guidelines involving a wide range of civil rights issues including Title VI, Title IX, Section 504, Title II, the Age Discrimination in Employment Act, and FOIA;
- Process case appeals filed by complainants, including analyzing the original determinations and issuing appeal decisions as OCR's final administrative order;
- Oversee OCR initiatives and projects as prescribed by the Office of the Secretary;
- Coordinate with the Office of General Counsel in authoring regulations and making policy recommendations on pending regulations, such as the Boy Scouts of America Equal Access Act;
- Coordinate with the Office of Legislative Affairs and the White House to respond to congressional inquiries on regulatory matters and case dispositions;
- Attend congressional hearings and monitor legislative proposals that affected OCR regulations and policies;
- Coordinate with the Justice Department in cases referred for litigation;
- Perform management oversight and coordinate with the OCR's regional offices on behalf of the Assistant Secretary and other offices within the Department of Education;
- Coordinate and manage the re-writing of OCR's Case Processing Manual, which sets forth procedural guidelines for complaint resolution. This process included reviewing recommendations submitted by all twelve national offices, appointing a Committee to oversee the process, and drafting the final version of the Case Processing Manual. (Manual remained in use through January 2015);
- Respond to media inquiries regarding OCR investigations;
- Assist in the production and publication of OCR's Annual Report to Congress. (Includes authoring specific portions of the report, and coordinating publication and distribution.); and
- Provide inter-agency training relating on the federal regulation of educational and school law issues.

Acting Chief of Staff

March 2008-Sept. 2008

Schedule C-Political Appointee – President George W. Bush

U.S. Department of Education, Office of Legislation and Congressional Affairs

Washington, DC

- Oversee the coordination of Department communications with Congress;
- Assist in the planning, development, and implementation of Departmental legislative initiatives;
- Assist White House staff in responding to congressional inquiries relating to the Department;
- Provide information to committee staff on the implementation of No Child Left Behind;
- Oversee the monitoring of legislative proposals and legislation relating to education issues;
- Assist in hearing preparations; and
- Assist Department officials in responding to inquiries by members of Congress, education committee staff in both the House and Senate, and other public officials.

Republican Election-Day Attorney Deployment Program

RNC/RNLA

2006 – Tennessee Deployment (Sen. Corker)

2008 – Virginia (Presidential Candidate John McCain)

2016 – Virginia (President-Elect Donald Trump)

- Deployed to monitor activity at polling sites in battleground states/precincts;
- Ensure staff follows proper procedures and state laws relating to election procedure.

Research and Teaching Assistant

Aug. 2003-May 2004

University of Oklahoma College of Law

Norman, OK

- Assisted teaching students in the areas of constitutional law and first amendment;
- Researched cases and policy in fourteenth amendment jurisprudence, particularly in the areas of civil rights and equal protection, property rights, and individual liberty;
- Conducted research on the first amendment, focusing on election law, the establishment clause, and the free exercise of religion.
- Performed research in the areas of education law and school choice.

Law Clerk

May-August 2003

U.S. Department of Justice, Office of Intergovernmental Affairs

Washington, DC

- Conducted research on political and legal issues surrounding the passage of the Patriot Act;
- Researched legal principles related to the racial profiling guidelines issued by the Department of Justice;
- Assisted other Departments in the research of case law involving national security issues;
- Authored letters for the Attorney General to various law enforcement organizations;
- Coordinated with the Office of Legislation and Congressional Affairs to respond to members of Congress contacting DOJ on behalf of OIA constituents.

White House Liaison and Staff Assistant, Chairman's Office

Feb. 2000-Aug. 2001

National Committee

Washington, DC

- Served as Liaison to the White House Office of Political Affairs;
- Organized and attended meetings for the 72-Hour Task Force;
- Staffed and coordinated meetings for the White House and other elected officials;
- Authored emails, communications releases, and campaign reports to party members, party leaders, and members of Congress;
- Managed evaluative projects including The Advisory Board's report, Nominating Future President's, and the RNC's Review of Election 2000;
- Maintained correspondence and coordinated events with the International Democratic Union;
- Staffed the 2000 Republican National Convention and performed the following duties:
  - Managed the e.GOP promotion efforts; Assisted travel and accommodation requests for former Chairmen and managed credential distribution to campaign staff and special guests; Assisted convention staff in credentialing delegates.

Temporary Teacher

August 1999- Jan. 2000

Putnam City Independent School District

Oklahoma City, OK

- Taught students in 3<sup>rd</sup>-8<sup>th</sup> grade;
- Tutored students with special needs and children who needed additional assistance in reading
- Completed 16 hours towards a Master's Degree in Education (Curriculum and Instruction)

## EDUCATION

University of Oklahoma College of Law  
Norman, OK

Juris Doctorate, May 2004

- 2001 Board of Advocates First Year Moot Court Competition
  - 7<sup>th</sup> Place, Individual Oral Argument Competitor Award  
(Award based on the overall performance of four oral argument rounds. The competition involved 140 individual competitors.)
- 2002 Pepperdine University National Moot Court Competition
  - First Place Petitioner's Brief- Winner of Brief Writing Competition
  - Oral Argument Quarter-Finalist
- 2003 National Trial Competition (NTC) Team
- 2004 National Moot Court Competition
- 2004 American Trial Lawyer's (ATLA) Trial Team
- Recipient of the Am-Jur Award
- Dean's Council
- Traffic Court Judge, University of Oklahoma
- Inn of Court and Order of the Barristers
- Specialized study in the area of constitutional law, federal anti-discrimination law, and school law.

Brasenose College

Oxford, England, Summer 2002

- Comparative study of the English legal system.

Southern Nazarene University, 1996-1999

Bethany, OK

B.A., Education (Concentration in English, Political Science)

- Graduated Magna Cum Laude
- President's Honor Roll (All Six Semesters)
- Alpha Lambda Delta Honor Society
- 3.84 GPA

## BAR ADMISSIONS AND CERTIFICATIONS/VOLUNTEER ACTIVITIES

- District of Columbia Bar Licensure - D.C. Bar Association, Bar #80467
- Oklahoma Bar Licensure - Oklahoma Bar Association, Bar # 20539
- Texas Board of Law Examiner's - Texas Bar License, # 24095594
- Certified Teacher (Oklahoma), License # 208822
- Oklahoma Bar Association, Law Related Education Committee, Member
- Former County Chairman, Pontotoc County GOP (2012-2016)
- Former State Committee, Oklahoma Republican Party (2012-2016)
- Alternate Delegate - 2012 Republican National Convention



**PROFESSIONAL EXPERIENCE**

**U.S. SENATE, WASHINGTON, D.C. 2015 – Present**  
***Education Policy Advisor, Committee on Health, Education, Labor and Pensions***

- Research and prepare legislative materials, including introduction of bills, floor material, amendments, hearings, mark-up materials, and statements
- Provide up-to-date expertise in assigned issues and maintain contacts with appropriate public and private interest groups, the Administration, the Senate, state and local governments, and other staff
- Serve as representative of the Committee and Members at various meetings both in Washington and nationally, including meeting the various Members' constituents and travel to field hearings
- Participate in the overall planning and development of legislative issues pertaining to higher education
- Participate in Member and Committee communications in the development, drafting, and production of media/constituent outreach efforts.

**ACCESS GROUP, INC. WASHINGTON, D.C. 2013 – 2015**  
***Senior Vice President, Public Affairs, Policy and Member Services***

- Began, developed and built D.C. office of Access Group, headquartered in West Chester, PA
- Manage all operations, budgeting, staffing and support for Company's Washington, D.C. office
- Supervise staff of approximately 20
- Manage web, print, and social media functions
- Actively participate as a member of the Company's senior management team in the creation, maintenance, implementation and modification of its corporate strategic plan.
- Develop and implement the Company's inaugural, coordinated public affairs, policy and member services plan.
- Coordinate research and other activities with the Vice President of Grant Programs
- Create relevant reports, briefings, and updates for senior management and the Board of Directors, including Company's annual report.
- Develop and implement a proactive legislative and regulatory agenda that supports the furtherance of the Company and its Members' key interests.
- Manage Member Services policies, projects and outreach.
- Developed and implemented Company's signature student communication service – Access Assist®
- Represent the Company in various public forums, presentations and panel discussions.

**U.S. DEPARTMENT OF EDUCATION, WASHINGTON, D.C. 2009- 2013**  
***Chief of Staff – Office of Postsecondary Education***

- Serve as legislative clearance officer
- Assist the DAS in overseeing the administration of PPI including controlled correspondence, personnel, budget, document review and other assignments by the DAS
- Ensure timely completion of tasks assigned to PPI staff
- Manage FOIA requests and responses for the OPE
- Provide assistance on workload allocation, internal and external requests for information, and act as first point of contact for PPI staff as well as staff and leadership from other offices within OPE
- Lead project to improve communication with and morale among employees
- Manage various legislative and regulatory projects as assigned
- Review /edit/develop as appropriate, reports, correspondence, DCLs and document clearance requests
- Developed and maintain relationships with other Department offices, higher education and financial aid community, as well as other agencies
- Monitor and provide technical assistance with legislative activity
- Represent the DAS when requested

**EDUCATION FINANCE COUNCIL, WASHINGTON, D.C. 2005- 2009**

***President***

- Manage all aspects of the Washington, DC office including seven staff and two tenant organizations
- Manage \$2.3 million budget along with staffing, vendors, audits and member dues
- Represent interest of EFC members with the U.S. House of Representatives, U.S. Senate, White House, U.S. Department of Education, U.S. Department of the Treasury, and various other Federal agencies as well as within the Higher Education community
- Inform policies makers about not-for-profit secondary markets, their role, impact on the loan program and on students and families
- Build coalitions with various organizations and associations to further promote EFC's members mission
- Review, analyze and interpret legislation, regulation and statute to determine impact on EFC members and the constituencies they serve
- Provide assistance to EFC members, their boards and staff on legislative, regulatory and policy issues
- Provide insight and expertise as requested to various Congressional offices, organizations and individuals
- Represent EFC and its members in various State and national forums
- Develop agendas and lead national membership conferences
- Manage all Board of Director activities

**U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. 2001 – 2005**

***Professional Staff Member, Committee on Education and the Workforce***

- Research and prepare legislative materials, including introduction of bills, floor material, amendments, hearings, mark-up materials, and statements
- Provide up-to-date expertise in assigned issues and maintain contacts with appropriate public and private interest groups, the Administration, the Senate, state and local governments, and other staff
- Serve as representative of the Committee and Members at various meetings both in Washington and nationally, including meeting the various Members' constituents and travel to field hearings
- Participate in the overall planning and development of legislative issues pertaining to higher education
- Participate in Member and Committee communications operations in the development, drafting, and production of media/constituent outreach efforts.

**EDUCATION FINANCE COUNCIL, WASHINGTON, D.C. 1999-2001**

***Chief of Staff, Director of Corporate Communications***

- Manage operations of office with 5 professionals and one clerical staff
- Manage relationships with Board of Directors
- Schedule and attend all Board Meetings
- Develop and manage all activity around member meetings
- Review, analyze and report on Federal legislation dealing with higher education and student aid
- Review and analyze proposed and final student aid regulations
- Attend and report on hearings, mark-ups, and floor action
- Respond to and work directly with members of Congress and staff
- Speak in various national and State forums
- Develop and maintain relationships with State financial aid associations
- Represent organization in a number of State and national forums

**EDUCATION FINANCE COUNCIL, WASHINGTON, D.C. 1998 - 1999**

***Director of Government Relations***

- Follow Federal legislation dealing with higher education and student aid
- Attend and report on hearings, mark-ups, and floor action
- Write copy for newsletters and membership associations
- Respond to and work directly with members of Congress and staff
- Represent organization in a number of state and national forums

**PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY 1995-1998  
WASHINGTON, D.C.**

***Federal Relations Director***

- Manage all operations of Washington office
- Review and analyze all Federal legislation dealing with higher education, specifically student loans
- Attend and report on all hearings, mark-ups, and floor action
- Write copy for newsletters and membership associations
- Represent agency in a number of state and national forums both as attendee and speaker
- Respond to and work directly with members of Congress and staff on behalf of the agency



**CONNECTICUT STUDENT LOAN FOUNDATION, ROCKY HILL, CT 1990-1995**

***Director of Communications and Public Relations***

- Acted as official spokesperson for the agency and its President
- Managed Washington, DC Office and three Connecticut staff
- Managed all Federal Relations for agency
- Prepared all policy statements for agency for implementation by participants
- Reviewed and analyzed federal student loan legislation to ensure agency compliance
- Developed, wrote and edited material for radio and print

**Union Trust Company, Shelton, CT 1989-1990**

***Banking Services Officer - Manager of Student Loans and Financial Settlement***

**New York Higher Education Services Corporation, Albany, NY 1986-1989**

***Program Analyst, Bureau of Loan Services***

**D'Youville College, Buffalo, NY 1982-1986**

***Assistant Director of Financial Aid***

**MEDIA EXPERIENCE**

**C-SPAN, WASHINGTON, D.C.**

**September 1999-2001**

***Producer (full time September-November '99, freelance thereafter)***

- Produce varying schedules for both C-SPAN 1 and C-SPAN 2
- Write all transitions and scripts
- Produce Live Senate coverage when needed
- Monitor House and Senate floor schedule

**NEWSCHANNEL 8, WASHINGTON, D.C.**

**Summer/Fall 1997**

***Assignment Desk Intern***

- Assisted Assignment Editor with various aspects of the news desk
- Developed story ideas for weekend newscasts
- Acted as field producer
- Conducted interviews with several members of Congress
- Covered spot news as necessary and assisted in set up of live shots

**EDUCATION**

**AMERICAN UNIVERSITY, WASHINGTON, D.C.**

**May 1998**

**Masters of Arts – Communications:**

**Journalism and Public Affairs**

**UNIVERSITY OF NEW HAVEN, NEW HAVEN, CT**

**December 1991**

**Masters in Public Administration (MPA)**

**D'YOUVILLE COLLEGE, BUFFALO, NY**

**May 1982**

**B.A. Psychology**

**KENT DEAN TALBERT**  
1455 PENNSYLVANIA AVENUE, NW, SUITE 400  
WASHINGTON, DC 20004  
(W) 202.652.2324  
(C) (b)(6)

## **EXPERIENCE**

### **KENT D. TALBERT, PLLC (JANUARY 2013 TO PRESENT)**

**Member:** Attorney at Kent D. Talbert, PLLC, a law firm providing legal and policy advice to colleges and universities, public and private K-12 schools, charter school organizations, professional and trade associations, and others in the education arena.

### **TALBERT & EITEL, PLLC (MARCH 2010 TO JANUARY 2013)**

**Member:** Co-founder of Talbert & Eitel, PLLC, a Washington, DC-based law firm providing legal advice, counseling, and litigation services to clients on education-related laws, legislation, regulations, sub-regulatory guidance and cases. Practice areas include accreditation matters, administrative law, admissions, civil rights, financial aid, campus safety, privacy matters, records retention, grants, compliance, government investigations, and other issues facing elementary and secondary schools (public and private), as well as institutions of higher education.

### **UNITED STATES DEPARTMENT OF EDUCATION (AUGUST 2001-JANUARY 2009)**

**Acting Under Secretary** (December 2008-January 2009): Managed and coordinated all policy issues of the Office of Federal Student Aid, Office of Postsecondary Education, and Office of Vocational and Adult Education. Played key role in overseeing implementation of the Ensuring Continued Access to Student Loans Act of 2008 which ensured continued access to student loans during the decline of the credit markets in 2007-08.

**General Counsel** (May 2006-January 2009) and **Acting General Counsel** (January 2005-May 2006): Advised the Secretary of Education, Deputy Secretary, Under Secretary, Assistant Secretaries, and other senior officers on legal matters (litigation, legislation, regulations, policy, and personnel) affecting the Department. Managed 105-member staff. Worked closely with the Department of Justice and other executive branch agencies on legal and policy issues. Advised the Secretary, Under Secretary and other senior officers on the Higher Education Opportunity Act of 2008.

**Deputy General Counsel** (August 2001-May 2006): Managed the Division of Business and Administrative Law and the Division of Legislative Counsel. Provided legal and policy advice on legislation, regulations, congressional testimony, and matters affecting contracts, employment, privacy, advisory committees, appropriations, and labor/management relations. Played key role in the implementation of the No Child Left Behind Act of 2001.

### **COMMITTEE ON EDUCATION AND THE WORKFORCE (FEBRUARY 1995-AUGUST 2001)**

#### **UNITED STATES HOUSE OF REPRESENTATIVES**

**Education Policy Counsel** (June 2000-Aug. 2001): Provided legal advice and counsel to the Director of Education Policy on elementary and secondary education policies. Advised Chairman and Subcommittee Chairman, and provided oversight of development of memoranda, committee reports, legislation, statements, and speeches.

**Professional Staff** (February 1995-May 2000): Researched education reform issues, developed policy options, organized committee hearings, advised committee members, and drafted legislation, committee

reports, amendments, and statements. Provided advice and drafting assistance on D.C. education reform legislation.

**SWEENEY, WINGATE, MURPHY & BARROW, PA (JULY 1993-DECEMBER 1994)**

***Associate Attorney***

Drafted pleadings, discovery documents, and legal memoranda. Assisted with trials and appeals.

**SHERRILL AND ROGERS, PC (JANUARY 1993-JULY 1993)**

***Associate Attorney***

Drafted pleadings, discovery documents, and legal memoranda. Assisted with trials and appeals.

**COMMITTEE ON LABOR AND HUMAN RESOURCES (JUNE 1990-DECEMBER 1992)**

**UNITED STATES SENATE**

***Professional Staff***

Advised committee member on labor, health, employment, job training and education-related legislation.

**OFFICE OF SENATOR STROM THURMOND (R-SC) (JUNE 1986-JUNE 1990)**

***Legislative Assistant and Veterans Affairs Committee Staff***

Provided key advice and staffing on legislation of Senator Thurmond that established the Veterans Administration as a cabinet-level department.

Provided key advice and staffing on legislation of Senator Thurmond that expanded the Congaree Swamp National Monument in South Carolina.

Drafted legal and policy memoranda, committee and floor statements, letters, and speeches.

**EDUCATION**

**UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, *Juris Doctor*, 1985**

**ERSKINE COLLEGE, *Bachelor of Arts, Magna Cum Laude, History*, 1982**

**PROFESSIONAL**

Admitted to the following bars:

- District of Columbia
- South Carolina
- U.S. Supreme Court
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Federal Claims
- U.S. District Court, District of Columbia
- U.S. District Court, District of South Carolina

District of Columbia Bar Association, Member

South Carolina Bar Association, Member

National Association of College and University Attorneys, Member

Alliance of Public Charter School Attorneys, Member



## Michael Eric Wooten

(b)(6)

### SUMMARY OF QUALIFICATIONS

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- Education policy & human capital research
  - Served as interim member of the Prince William County School Board; contributed to governance and policy oversight of a billion dollar K – 12 educational enterprise
  - Served seven years on the Northern Virginia Community College board; led governance and policy-making for the nation's second largest community college; elected Chairman of the Board (2014 – 2016); elected Vice Chairman (2011 – 2013)
  - Teamed with college administrator to garner \$30M in state and local funding to build a workforce development center in Prince William County and fuel job creation in Northern Virginia
  - Managed a \$4.1 million research study of the Department of Defense's acquisition workforce to identify the competencies required in 12 acquisition disciplines
  - Participated in developing major Department of Defense policy guidance to include the Human Capital Strategic Plan for a 144,000 personnel workforce
- Public procurement, resource management, and financial management expertise
  - Over 10 years of experience achieving results in federal programs notwithstanding significant budget constraints
  - Presently direct the District of Columbia's procurement workforce to support \$5.1B in state and local government functions to include education, public safety, and human care
  - Managed infrastructure for a federal agency with six regional campuses; participated in major budget decisions to prioritize \$300M in annual operational spending
- Republican Party leadership
  - Member of the Prince William County Republican Committee (2002 – present)
  - Vice Chairman of the Prince William County Republican Committee (2004 – 2006)
  - 2012 Republican-endorsed candidate for the Prince William County School Board

### EDUCATION

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- UNIVERSITY OF PENNSYLVANIA, Doctor of Education, *Higher Education Management*
- THE GEORGE WASHINGTON UNIVERSITY, Master of Arts in Education & Human Development, *Higher Education Administration*
- U.S. NAVAL POSTGRADUATE SCHOOL, Master of Science in Management
- VERMONT COLLEGE OF NORWICH UNIVERSITY, Master of Arts, *Leadership*
- CHAPMAN COLLEGE, Bachelor of Arts, *Psychology*

## WORK EXPERIENCE

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### Deputy Chief Procurement Officer of the District of Columbia

09/ 2016 – present

Office of Contracting and Procurement  
441 4<sup>th</sup> Street, NW, Suite 700 South  
Washington, DC 20001

- Serve as a principal procurement policy advisor to the Chief Procurement Officer
- Manage annual contracts totaling \$5.1B through a procurement workforce of 160+ personnel, which includes three senior executives (at a grade equivalent to federal senior executives)
- Lead a team of contracting executives who work with the heads of 80+ District government agencies to provide business advice, to establish acquisition plans, and to ensure that contracts comply with District law while delivering value to the District's residents
- Develop necessary contract competencies within the workforce by implementing strategic hiring, mentoring, organizational realignment, awards, workforce training, and certification
- Launch initiatives to improve workforce ethics and productivity despite the effects of political pressure from agency leaders, budget cuts, opposition from two unions, and significant personnel shortages
- Implement strategic systems to manage the flow of goods and services throughout the government's enterprise to the District's agencies
- Engage District-based businesses; devise acquisition strategies that promote local businesses; advocate government agency's use of local and small businesses as required by District law

### Chief Learning Officer

09/ 2015 – 09/2016

Office of Contracting and Procurement  
& Director, Procurement Training Institute  
441 4<sup>th</sup> Street, NW, Suite 700 South  
Washington, DC 20001

As required by DC law, establish a procurement training institute for the District; develop and implement training and certification to create the necessary contracting competencies within the District of Columbia's procurement workforce. Devise training to produce immediate improvements in a workforce responsible for over \$5.1B in annual contracts. Accomplishments:

- Developed and deployed a certification program to enhance the professionalism of DC Government's 160+ contract specialists
- Provided strong, dynamic academic and administrative leadership to deliver a practical, competency-based workforce development strategy supporting nearly 4,000 DC Government employees; established a set of ten contracting competencies required of procurement staff
- Created a competency-aligned workforce performance management model for the agency; presented the new model and development strategy to the agency's Chief Contracting Officers, professional associations, the Chairman of the District Council, and DC's Mayor
- Delivered a workforce certification program in partnership with the George Washington University to professionalize the District's procurement staff
- Expanded agency's cost and price analysis capability by including a pricing competency in certification requirements; provided cost analysis services for complex pricing problems



**Michael Eric Wooten, Ed.D.**

**Deputy Department Chair & Full Professor of Contract Management** 01/ 2011 – 09/2015

Defense Acquisition University (DAU)  
9820 Belvoir Road, Fort Belvoir, Virginia 22060

Managed department's academic budget and assisted in faculty management; provided expertise in corporate training and human capital management; supported the university's coaching initiatives; developed and delivered acquisition and leadership training through classroom, online, and workshop modalities. Accomplishments:

- Provided leadership to 31 faculty members; mentored new contract management faculty; identified faculty needs and programs for faculty development; decided faculty course assignments and schedules; and reconciled department's academic calendar to the budget
- Delivered executive procurement briefings to General Officers and major defense program managers; created and delivered leadership seminars for senior contract managers
- Provided research and consulting services to a neighboring military logistics command to determine the optimum learning and teaching methods needed to develop their acquisition professionals; reviewed audit findings, policy changes, and the needs of the workplace to develop tailored training courses and effective strategies to deploy them; created curriculum; trained and mentored new instructors to help establish training capabilities in Quantico
- Supervised graduate research of Senior Service College Fellows; published results
- Served as referee for the top peer-reviewed journal of the contract management field

**Special Assistant to the President**

12/2008 – 12/2010

Defense Acquisition University  
9820 Belvoir Road,  
Fort Belvoir, Virginia 22060

Represented the president's office and served the most senior acquisition officials within the Pentagon as an expert on acquisition workforce policy matters; managed a \$4.1 million research study of the defense acquisition workforce; addressed and resolved issues to forestall controversy; handled confidential matters as the president directed. Accomplishments:

- Directed the university's research on its 12 different acquisition disciplines to identify the competencies needed for professional success
- Directed enterprise-wide study using the Center for Naval Analysis to assess competencies and training requirements for the 144,000-member defense acquisition workforce; ramped project funding up from \$200K to \$4M to meet congressionally-mandated deadline
- Developed relationships with senior Pentagon officials to include the Under Secretary of Defense for Personnel and Readiness; participant in DoD's recruitment consortium
- Created and leveraged relationships with federal agencies, universities, other academic organizations, and the military to manage or establish acquisition recruitment programs
- Served as a key participant in developing the 2009 Defense Acquisition Strategic Workforce Plan – hailed as best DoD report ever submitted to the Senate Armed Services Committee
- Recognized as a key contributor to the Department of Defense's efforts to improve inclusion of disabled veterans and minorities for the defense acquisition workforce
- Recognized as a major thought leader on enhancing overall workforce management



## **Michael Eric Wooten, Ed.D.**

### **Deputy Director, Operations Support Group**

06/2006 – 12/2008

Defense Acquisition University  
9820 Belvoir Road  
Fort Belvoir, Virginia 22060

Directly supervised university's human resources, information technology, procurement, logistics, university press, graphics and audiovisual operations, registrar, public affairs, and facilities maintenance; provided administrative oversight of general counsel. Assisted the Director of Operations with budget matters; co-chaired university's internal controls management program; tracked university's improvements in infrastructure management against metrics established in the strategic plan; coordinated infrastructure management matters with the university's regional campuses. Served on key leadership councils:

- Participated in DAU's pay pools and development of performance evaluations for over 400 faculty and staff as a member of DAU's Human Resources Management Council
- Participated in managing the university's \$300M annual operating budget as a member of DAU's Resource Management Council
- Exercised fiduciary responsibility and control over the university's information technology network

#### Accomplishments:

- Established a \$6 million per year, omnibus contract to achieve significant reductions in the time needed to acquire adjuncts and technical support personnel
- Provided enterprise-wide strategic guidance to implement major technology initiatives ensuring continuity of operations, information assurance measures, and compliance with Section 805 of the Rehabilitation Act.
- Managed the university's annual corporate awards program; orchestrated decision process among the university's senior leaders to achieve consensus on individual and team awards; worked with chief of staff to align awards to university's strategic goals

### **Associate Professor of Contract Management**

06/ 2005 – 06/ 2006

Defense Acquisition University (DAU)  
9820 Belvoir Road, Fort Belvoir, Virginia 22060

Served as instructor, trained other professors, and served as local course manager for the intermediate contract pricing course. Planned and managed the course schedule and budget to deliver 16 courses across five government installations during FY 2006. Planned and deployed fee-for-service training agreements. Accomplishments:

- Initiated revisions to the *Intermediate Contract Pricing* course; mentored new faculty; participated in annual course maintenance meeting and captured student feedback to improve courseware; curbed 10% attrition rate to 3%
- Served as a guest lecturer to senior attorneys attending the operational contracting course at The Judge Advocate General's Law Center and School in Charlottesville, Virginia
- Developed fee-for-service agreements for non-defense organizations receiving DAU training
- Developed and implemented a five-year, \$800K fee-for-service program of instruction to provide needed training for U.S. Marines to perform contracting in Afghanistan and Iraq

**Michael Eric Wooten, Ed.D.**

**Adjunct Professor, Procurement and Public Contracting**

01/2004 – 06/2005

University of the District of Columbia  
4200 Connecticut Ave, NW  
Washington, DC 20008

As professor and program developer, created innovative partnership between the University of the District of Columbia and the Chief Financial Officer of the District of Columbia; used college credit courses to train DC's contracting officers in the work place during the work day. Program resulted in better morale, a culture of learning, and a commitment to degree attainment.

**Director, Contracts and Procurement**

11/2003 to 06/2005

Office of the Chief Financial Officer, District of Columbia  
941 N. Capitol St. N.E. 8th Floor, Washington, D.C. 20002

Directed procurement operations generating over \$160M in annual contracts supporting the District's financial enterprise; participated in numerous DC Government cabinet-level leadership assignments as procurement chief of an independent agency.

## GOVERNANCE IN EDUCATION

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**Chairman of the Board**

05/2014 – 07/2016

Northern Virginia Community College (NOVA)

Appointed to the governing board of one of America's largest community colleges. Represented NOVA to more than 2 million Northern Virginians; consulted the college president on policy matters; recommended state approval of college's budget, curriculum, and site development plans; advanced a legislative agenda, and conducted constituent support. Accomplishments:

- Lobbied Prince William County Board of Supervisors to provide \$1 million for a workforce development center for NOVA; these funds leveraged an extra \$29 million from the state; made workforce development a priority in the strategic plan and board committee structure; workforce development center opened March 2016; hosts high-impact job creation and certification programs, e.g., information assurance instruction, the "hackathon"
- Gave strong, vocal support to the Virginia Community College System Chancellor's workforce initiative; successfully lobbied the Veteran's Caucus of the Virginia General Assembly to support funding for non-degree, workforce credentials of less than 40 hours.
- Initiated partnerships with General Dynamics – IT and the American Public University System that solidified pathways to either four year degrees or employment
- Provided strong board leadership; actively engaged Virginia Chancellor's Office throughout a presidential transition and garnered Chancellor's support to influence other executive hires
- Used system of curriculum advisory committees to identify faculty talent among local workforce leaders, to make curriculum responsive to workforce needs, and to align curriculum to federally recognized standards for Career and Technical Education



## **Michael Eric Wooten, Ed.D.**

### **Occoquan District Representative, School Board Member**

06/2012 – 11/2012

Prince William County School Board

Interim Appointment: Term of Office (Jun 2012 – Nov 2012)

Appointed to serve as a policy-maker for one of the nation's largest public school districts. Represented 51,000 citizens residing in the Occoquan District of Prince William County; provided leadership to deliver a world class education to 83,400 kindergarten through twelfth grade students; administered 92 schools and an annual budget of \$1 billion; and established personnel policies for over 10,000 employees. Accomplishments:

- Reconciled a broad range of issues through discussions with constituents, elected officials, leaders of civic associations, union leaders, and senior school officials; advanced dialogue on budget constraints, science and math enhancements to curriculum, safety, and technology.
- In several televised messages, championed best practices in instructional technology within Prince William County Schools; publically recognized teachers who demonstrated their skills in improving student learning and energizing the learning environment by using technology.

### **MARINE OFFICER ASSIGNMENTS (1988 – 2003)**

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- Commanding Officer, Tenant Activities Company, Headquarters Battalion, MCB Quantico
- Deputy Director, Regional Contracting Office, Northeast, MCB Quantico
- Contracting Officer, Headquarters, U.S. Marine Corps, Washington, DC
- Marine Officer Graduate Student, U.S. Naval Postgraduate School, Monterey, CA
- Supply Officer, Second Light Anti-aircraft Missile Battalion, Yuma, Arizona
- Logistics Officer, Headquarters Battalion, Marine Corps Logistics Base, Albany, GA
- Aide-de-Camp to the Commanding General, Marine Corps Logistics Base, Albany, GA
- Assistant Branch Head, Integrated Logistics Support Directorate, MCLB, Albany, GA
- Protocol Officer, MCBL, Albany, GA
- Supply Officer, Second Landing Support Battalion, Camp Lejeune, North Carolina
- Supply Officer, Second Maintenance Battalion, Camp Lejeune, North Carolina

#### ACCOMPLISHMENTS:

- Commanded a training and administrative company of 1,200 Marines to include six general officers. Scheduled, monitored, and administered all required military training; approved personnel matters to include promotions; decided summary disciplinary matters.
- Organized and fast-tracked 60 humanitarian projects throughout Afghanistan; rebuilt Sultan Razia Girls' School and returned 5,000 girls to the classroom. Nominated for Bronze Star.
- Provided roadmap for USMC's new performance anchored rating scales; tested behaviorally anchored rating scale concept with Marines and delivered master's thesis result to Marine Headquarters; USMC's current appraisal system substantially reflects my recommendations.
- Managed quarter billion dollar inventories of high-tech equipment and repair parts through the work of a staff of 20 to 30 Marines; managed multi-million dollar operating budgets.
- Over seven years of budget experience. On three separate occasions, successfully cut operations budgets by 10 percent without cutting jobs.
- Managed multi-million dollar activity-based cost management contract resulting in \$53 million savings across 17 U.S. Marine Corps installations world-wide.



# MITCHELL M. ZAIS

## Curriculum Vitae

(b)(6)

(b)(6)

**QUALIFICATIONS SUMMARY.** Over 40 years experience leading and educating. A record of success in multiple, diverse organizations: academic, government, and military. A gifted teacher, skilled fundraiser, effective team builder, adept financial manager, motivational leader, and talented public speaker. Extensive experience in every facet of leading and administering large, complex organizations. A solid foundation for integrity was laid at home, nourished at West Point, and reinforced through a life of service to my country, my faith, and the students and parents of South Carolina.

### ACADEMIC EXPERIENCE.

#### Degrees:

Research Fellow	National Security Affairs	National Defense University
Ph.D.	Social Psychology	University of Washington
M.A.	Military History	School of Advanced Military Studies
M.S.	Social Psych. & Organizational Behavior	University of Washington
B.S.	General Engineering	U.S. Military Academy, West Point

#### Boards:

President, South Atlantic (Athletic) Conference  
President, South Carolina Independent Colleges and Universities  
Commissioner, South Carolina Commission on Higher Education  
Board of Trustees, University of South Carolina  
Board of Trustees, Winthrop University  
Board of Visitor, The Citadel  
Director, Foundation for Independent Higher Education  
Director, Lutheran Education Conference of North America  
Director, South Carolina Tuition Grants Commission  
Member, Southern Regional Education Board

#### Accreditation:

Southern Association of Colleges and Schools: Commission on Colleges  
Presidential Representative to the On-Site Visiting Committee  
Presidential Representative to the Off-Site Review Committee

#### Additional Schools:

Center for Creative Leadership, Senior Executive Course  
Equal Opportunity Management Institute, Senior Executive Course  
Judge Advocate General's Senior Officer's Legal Orientation  
Senior Executive Logistics Management Course  
U.S. Army Organizational Development School, Management Consultant Course  
Yale University Drug Dependency Institute, Alcohol and Drug Education Course

**LEADERSHIP EXPERIENCE.****South Carolina State Superintendent of Education, Columbia, South Carolina 2011 –2015**

Supervised a staff of nearly 800 responsible for administering a myriad of federal and state education grants, policies, and statutes. Oversaw 82 districts, with 1250 schools, employing over 58,000 teachers and administrators, with 724,000 students. Responsible for developing and managing an annual budget of \$4.0 billion.

**President, Newberry College, Newberry, South Carolina 2000-2010**

Assumed the presidency of the College when it was on probation and about to lose its accreditation due to financial insolvency -- the ninth president in a 16-year period. Righted the financial ship by more than doubling the endowment, significantly increasing annual giving, and almost doubling enrollment. During my tenure, facilities were renovated and constructed, profitable academic programs were added, and for the first time in the institution's history, athletic teams competed for NCAA regional and national titles. My final three years, the College was recognized by *U.S. News* as one of "America's Best Colleges."

**Commanding General, Joint Task Force Provide Refuge, Fort Dix, New Jersey 1999**

Formed and lead an inter-agency team consisting of 13 federal agencies and 11 non-governmental organizations (NGOs). Developed procedures to receive, house, clothe, feed, care for, and resettle over 4000 Kosovar refugees entering the U.S. Received accolades from the White House, Secretary of Health and Human Services, and many other federal and congressional officials.

**Commanding General, Coalition Joint Task Force -- Kuwait, Kuwait City 1998**

Led U.S. and allied military forces in Kuwait. Supervised operations and coordinated policies with the Kuwaiti government and U.S. Embassy. Coordinated operations with U.S. Ambassadors in Saudi Arabia, Bahrain, and Qatar.

**Deputy Commanding General, Fort Riley, Kansas 1996 -- 1998**

Responsible for the leadership and the readiness of over 7,600 personnel equipped with 1,130 armored and 3,020 wheeled vehicles, weapons, equipment, and property valued at \$1.7 billion. Supervised execution of a \$100 million budget. Cited for "exceptional personal leadership... a dynamic and compassionate leader who motivated others to strive for excellence... one of the great intellects in our Army... a great teacher and mentor... exceptional in the ethical example he sets."

**Brigade Commander, Fort Ord, California 1992 -- 1993**

Trained, motivated, and inspired 1800 soldiers. Cited as "a brilliant officer... articulate, focused, organized, and systems oriented... a skilled teacher and mentor... continually exhibits the highest standards of loyalty, integrity, and personal behavior."

**Battalion Commander, Korea 1987 -- 1989**

Trained, led, and cared for over 700 U.S. and 100 Korean infantry soldiers permanently stationed on the Korean demilitarized zone. Responsible for two bases and 300 Korean civilian employees supporting these bases. Won multiple awards in both tactical and administrative areas. Cited as "a strong, articulate, resolute commander... who continually maintains high standards, esprit, and discipline... a smart, selfless, compassionate leader who truly cares for his soldiers... the highest integrity and moral courage."

**Battalion Executive Officer, Korea 1982 -- 1983**

Second in command of an 800-soldier unit. Responsible for supervising the staff and over 300 civilian employees. Cited as "extremely intelligent... a natural leader who always exercises good judgment... excellent at developing subordinates... unimpeachable integrity... absolute loyalty... totally ethical."



**Company Commander, Fort Riley, Kansas 1976 -- 1977**

Led, trained, and motivated 175 infantry soldiers.

**Company Commander, Fort Myer, Virginia 1972 -- 1973**

Led and trained 180 Honor Guard soldiers in Washington D.C.

**Rifle Platoon Leader, 101st Airborne Division, Vietnam 1970 -- 1971**

Led 30 infantry soldiers in ground combat operations. Received multiple awards and decorations.

**Parachute Platoon Leader, 82d Airborne Division, Fort Bragg, North Carolina 1969 -- 1970**

Led and trained 40 paratroopers in airborne infantry operations.

**ADMINISTRATIVE EXPERIENCE.****Chief of Staff, U.S. Army Reserve Command, Atlanta, Georgia 1998 -- 2000**

Directed a staff of 840 military and civilian employees serving 184,000 Army Reservists, 8,600 civilians, and 11,000 full-time military. Responsible for overseeing the development and management of an annual operating budget of over \$2.4 billion.

**Executive Officer to the Commander-in-Chief, U.S. Southern Command, Panama 1994 -- 1996**

Executive Assistant to the 4-star commander of all U.S. forces in Central and South America. Conducted liaison with national agencies to include the Department of State, Department of Defense, Joint Staff, Drug Enforcement Agency, and National Security Council. Cited for "sound judgment, superb organizational skills, limitless stamina, and gifted leadership... a caring leader... exceptionally intelligent, articulate, and proactive ... an officer of absolute integrity, impeccable judgment, and flawless character."

**Chief of Operations, Planning, Training, and Budgeting, Fort Ord, California 1990 -- 1992**

Directed a staff of over 75 that coordinated all aspects of, operations, planning, training and budgeting for a 10,000-person unit. Cited as "an exceptionally strong leader who also possesses superb staff skills... a consummate planner, outstanding manager, and a sound mature leader whose competence and confidence inspire others... with the acumen, breadth of thought, and clarity of vision found in very few officers... unquestionable loyalty, absolute integrity and moral standards."

**STRATEGIC PLANNING EXPERIENCE.****Chief of Strategic Plans, Office of the Chairman, Joint Chiefs of Staff, Pentagon 1993 -- 1994**

Responsible for overseeing the development of war plans (such as Desert Storm) submitted to the Chairman, Joint Chiefs of Staff and the Secretary of Defense. Integrated these plans with national policy and civilian political guidance. Cited for "outstanding interpersonal skills... poised and confident... with excellent writing and speaking skills... leads by example... the highest standards of ethics."

**Strategic Planner, Fort Lewis, Washington 1985 -- 1987**

Coordinated and developed operational plans for units in the Pacific, Europe, and the Alaskan Aleutian Islands. Cited as "an officer of rare intellect and drive... who combines the best aspects of the soldier and scholar... an accomplished speaker... a brilliant, perceptive mind... he anticipates requirements, needs minimal guidance, and consistently turns in work ahead of schedule... an amazing capacity for hard work... demanding of himself, tolerant of others... impeccable integrity... a man of great character."



**Student, School of Advanced Military Studies, Fort Leavenworth, Kansas 1984 --1985**

One of 24 students out of over 800 selected through a rigorous screening process to participate in an additional year of advanced studies in strategic planning. This 2-year program provided a rigorous graduate level education in military history and its application to strategic military planning. Was cited for "clear writing style, lucid briefing skills, and ability to define issues clearly... perceptive observer."

**TEACHING EXPERIENCE.****Assistant Professor, U.S. Military Academy, West Point, New York 1979 -- 1982**

Taught leadership and organizational behavior. Was selected to design and teach the capstone course for management majors, a course in management consulting. Cited for "significant accomplishments as researcher, author, and lecturer... an officer of rare intelligence... he developed in students an interest in academic subjects and motivated them to study effectively... he shows skill in combining theory with leadership practice... impeccable integrity... sound moral judgment."

**Organizational Development Consultant, Fort Riley, Kansas 1975 -- 1976**

Served as an organizational development consultant to an organization of 14,000 military and 900 civilian employees. Conducted team building, leader transition, and time management workshops, as well as organizational assessment, feedback, and development.

**ADDITIONAL QUALIFICATIONS.****South Carolina Recognitions.**

Order of the Palmetto, South Carolina's highest civilian award  
 South Carolina Economic Ambassador  
 Honorary Doctorate of Education, The Citadel  
 South Carolina Meritorious Service Medal  
 Fifty Most Influential People of Columbia  
 Director, South Carolina Chamber of Commerce  
 Director, Columbia Chamber of Commerce  
 Director, Newberry Opera House Foundation  
 Elected Official of the Year, South Carolina Association of Taxpayers

**Military Awards and Qualifications.**

Defense Superior Service Medal	Legion of Merit (2)
Bronze Star Medal	Meritorious Service Medal (3)
Air Medal (3)	Army Commendation Medal
National Defense Service Medal (2)	Humanitarian Service Medal
Armed Forces Expeditionary Medal	Vietnam Service Medal (2)
Army Service Ribbon	Overseas Service Ribbon (3)
Republic of Vietnam Campaign Medal	Joint Meritorious Unit Award (2)
Meritorious Unit Commendation	Republic of Vietnam Gallantry Cross with Palm
Ranger Tab	Combat Infantry Badge
Parachutist Badge	Jumpmaster
Jungle Expert	

**White House Aide, Washington, D.C. 1972 -- 1973**

Assigned as aide to the President. Assisted at ceremonies and special events at the White House.

**Global:** Extensive travel to 49 countries throughout Eastern and Western Europe, The Middle East, Central and South America, Asia, and the Caribbean. Lived in Germany, Vietnam, Korea, and Panama.

**Promotions:** From an entering West Point class of 1143, one of eleven promoted to general.

**PUBLICATIONS.****Opinion-Editorials:**

"Local control helps schools succeed, *The State*, October 13, 2013

"Unify school accountability systems," *The State*, June 25, 2013

"Modernize school, educator accountability," *The State*, March 25 2012

"Race to the top is penny-wise and pound foolish, *The State*, June 2, 2011

"The pride of the Newberry Indians," *The State*, August 19, 2005

"The economic impact of small colleges," *The Newberry Observer*, August 22, 2005

"An open letter to Miles Brand, the NCAA," *The Newberry Observer*, August 17 2005

"Congress set to intrude into South Carolina's colleges and universities," *The Newberry Observer*, March 3, 2004

"Saddam's capture one piece of a larger war," *The State*, December 18, 2003

"More troops would ease U.S. combat fatigue," *The State*, August 24, 2003

"SC's needy students short changed," *The Newberry Observer*, May 5, 2003

"Lottery money must help the needy," *The State*, February 26, 2002

"State's universities face prospect of cut in support," *The Greenville News*, February 12, 2001

"State's independent colleges offer a real bargain," *The State*, March 21, 2001

"Don't Blame the Army," *Atlanta Constitution-Journal*, August 9, 1999.

**Articles and Book Chapters:**

"Iraq: The way ahead," *Military Review*, January-February 2008, pp.112-116.

"U.S. Strategy in Iraq," *Military Review*, March-April 2007, pp 105-108. Also published in *Vital Speeches of the Day*, January 2007; and the *Pittsburgh Post-Gazette*, November 19, 2006;

"Managing Resources Together," *Internal Review Journal*, Assistant Secretary of the Army -- Financial Management and Comptroller, Washington, D.C., December, 1999, pp. 17-21.



“Sword Making or Sword Fighting: The West Point Curriculum,” *Armed Forces Journal International*, March 1990, pp. 57-60.

“American Will and the Vietnam War,” *Military Review*, March 1990, pp. 71-80, (with G.G. Prosch).

“Military History: Why Men Fight and Fight Well,” *Army*, December 1987, pp. 34-38.

“Low Intensity Conflict: Matching Missions and Forces,” *Military Review*, August 1986, pp. 89-99.

“Is Leadership at the Top a Neglected Art?” *Army*, March 1986, pp. 52-55. (Reprinted for use at the U.S. Army Command and General Staff College, 1987).

“Strategic Vision and Strength of Will: Imperatives for Theater Command,” *Parameters: Journal of the Army War College*, Winter, 1985, pp. 59-63. (Reprinted for use at the U.S. Army War College and the U.S. Army Command and General Staff College, 1986.) Reprinted in *The Challenge of Military Leadership*, L. J. Matthews & D. E. Brown (Ed.s), McLean, Virginia: Pergamon Brassey's, 1989.

“Ardant du Picq: Unsung Giant of Military Theory,” *Army*, April 1985, pp. 56-64. (Reprinted for use at the U.S. Army Command and General Staff College, 1986.)

“Communiqué Interview: Colonel Howard T. Prince, Professor & Head, Departmental of Behavioral Sciences and Leadership, U.S. Military Academy,” *Organizational Effectiveness Communiqué*, 1982, pp. 38-46, (with L.R. Boice).

“The Leader as a Consumer of Behavioral Science Knowledge,” in *Leadership in Organizations*, P.M. Bons (Ed.), Washington, D.C., U.S. Government Printing Office, 1982.

“Leadership, Management, Commandership, and Organizational Effectiveness: A Model and Comparative Analysis,” *Organizational Effectiveness Communiqué*, Part I, 1982, pp. 47-54; Part II, 1982, pp. 27-45. Abridged and reprinted in *Resource Management Journal*, Fall, 1982, pp. 8-17.

“Stress in the Military,” in *Life Stress*, S.B. Day (Ed.), New York: Van Nostrand Reinhold, 1982, pp. 203-211, (with W.J. Taylor, Jr.).

“Organizational Stress and the Use and Misuse of Managerial Intelligence and Experience,” *Journal of Applied Psychology*, 1979, pp. 635-647, (with F.E. Fiedler, E.H. Potter, and W.A. Knowlton, Jr.). Reported in *Psychology Today*, June, 1980, pp. 20-23.

## THESES AND DISSERTATION.

### Doctoral Dissertation:

*Intelligence and Academic Achievement: The Interactive Effects of Intelligence, Interpersonal Stress, Test Anxiety, and Gender on Academic Achievement*, University of Washington, 1987.

### Masters Theses:

*Generalship and the Art and Science of Senior Command: Historical and Scientific Perspectives*, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas, 1985.

*The Impact of Intelligence and Experience on the Performance of Army Line and Staff Officers*, University of Washington, 1979.



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EDUCATION:

- 2005-2008**     **Stanford Law School • Palo Alto, CA**  
J.D., with distinction, Order of the Coif, June 2008. Senior Articles Editor, *Stanford Law Review*. Managing Editor, *Stanford Law & Policy Review*. Winner, Kirkwood Moot Court Competition (Best Team, Best Oralist, and Best Brief). Carl Mason Franklin Award in International Law. Steven M. Block Civil Liberties Award. President, Federalist Society. Teaching Assistant for Constitutional Law II.
- 2003-2005**     **School of Advanced International Studies, Johns Hopkins University • Washington, DC**  
Graduate coursework in International Relations, International Law, and U.S. Defense Policy. Concentrations in Strategic Studies and International Economics. David and Lucille Packard Fellow. Honors distinction.
- 1997-2001**     **Dartmouth College • Hanover, NH**  
A.B., magna cum laude, Phi Beta Kappa, in Government, June 2001. Rufus Choate Scholar. Colby Government Prize. Edson Memorial Prize for American Government. President, College Republicans. Editor-in-Chief, *The Dartmouth Review*. Rush Chairman and Treasurer, Sigma Nu Fraternity.

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EXPERIENCE:

- 2011-**            **Kirkland & Ellis LLP • New York, NY**  
**Of Counsel; Partner; Associate.** Litigate cases involving constitutional and administrative law matters as well as issues such as antitrust and securities regulation. Litigated on behalf of parents to defend the Florida Tax Credit Scholarship Program against a constitutional challenge. Litigated religious liberty cases pro bono.
- 2016-**            **Scalia Law School, George Mason University • Arlington, VA**  
**Assistant Professor of Law.** Teach courses in administrative law and civil procedure. Research and publish articles on agency oversight and judicial deference, executive power, and the Iran nuclear agreement.
- 2013-2015**     **New York University School of Law • New York, NY**  
**Koch-Searle Fellow.** Researched and published articles on topics such as constitutional interpretation, economic liberties, and religious liberty. Spoke at academic conferences.
- 2010-2011**     **Supreme Court of the United States • Washington, DC**  
**Law Clerk to Justice Samuel A. Alito Jr.** Drafted bench memoranda and judicial opinions. Reviewed petitions for certiorari. Advised on the disposition of petitions, motions, and cases.
- 2009-2010**     **Georgetown University Law Center • Washington, DC**  
**Olin-Searle Fellow.** Researched and published articles on school choice and religious education, separation of powers, national sovereignty and international law, property rights, and federal jurisdiction.
- 2008-2009**     **United States Court of Appeals for the District of Columbia Circuit • Washington, DC**  
**Law Clerk to Judge Douglas H. Ginsburg.** Drafted bench memoranda and judicial opinions. Advised on the disposition of motions and cases. Assisted with lectures and academic papers.
- Summer 2006**     **U.S. Department of Defense • Arlington, VA**  
**Honors Legal Intern, Office of General Counsel.** Worked at the Defense Security Cooperation Agency on government contracts and other issues related to foreign military sales and foreign military financing.
- 2004-2005**     **The New York Sun • New York, NY and Washington, DC**  
**Member of the Editorial Board.** Wrote editorials for daily New York newspaper. Covered topics including local and national politics, public policy, international relations, and the presidential election.
- 2001-2004**     **Policy Review, Hoover Institution • Washington, DC**  
**Associate Editor and Public Affairs Fellow; Assistant Editor.** Edited essays for bimonthly public affairs journal published by the Hoover Institution at Stanford University. Wrote essays and reviews on topics such as political theory, religion, Middle East politics, and international governance.

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**BAR ADMISSIONS:**     District of Columbia; New York; U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Seventh, and Ninth Circuits; U.S. District Courts for the S.D.N.Y., E.D.N.Y., and D. Colo.

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**PUBLICATIONS:**     Available at <http://ssrn.com/author=1444965>.

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>BAILEY, NATHAN ADAM</b>				2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date <b>02/01/2017</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>190</b>		5-B. Nature of Action <b>PROVISIONAL APPT NTE 06-01-17</b>				6-A. Code		6-B. Nature of Action			
5-C. Code <b>Y9K</b>		5-D. Legal Authority <b>SCH C, 213.3302(A)</b>				6-C. Code		6-D. Legal Authority			
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>SPECIAL ASSISTANT TO THE SECRETARY</b>  <b>EA GS60539</b>					
8. Pay Plan <b>GS</b>	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan <b>GS</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>15</b>	19. Step or Rate <b>10</b>	20. Total Salary/Award <b>161900</b>	21. Pay Basis <b>PA</b>
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>134776</b>		20B. Locality Adj. <b>27124</b>	
								20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>					
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27. FEGLI <b>C0</b> (b)(6)						28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>7</b>	
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>02/01/2017</b>		32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 8</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>			
45. Remarks APPOINTMENT IS ON A PROVISIONAL BASIS. YOU ARE ELIGIBLE FOR RETIREMENT COVERAGE AND FOR HEALTH BENEFITS AND LIFE INSURANCE. IF YOUR PERFORMANCE IS SATISFACTORY, AND YOU MEET ALL LEGAL QUALIFICATIONS, AND OTHER APPLICABLE REQUIREMENTS, YOU MAY BE CONVERTED TO A NONTEMPORARY APPOINTMENT BEFORE THIS APPOINTMENT EXPIRES. APPOINTMENT AFFIDAVIT EXECUTED 02-01-17. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. REASON FOR TEMPORARY APPOINTMENT TO SERVE UNDER TTC. PAY SET USING THE SUPERIOR QUALIFICATIONS AND SPECIAL NEEDS PAY-SETTING AUTHORITY UNDER 5 CFR 531.212											
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>						50. Signature/Authentication and Title of Approving Official <b>170398424 / ELECTRONICALLY SIGNED BY:</b>  <b>CASSANDRA CUFFEE-GRAVES</b>					
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/03/2017</b>							



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>BAILEY, NATHAN ADAM</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>03/04/2018</b>																			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																							
5-A. Code <b>546</b>		5-B. Nature of Action <b>CONV TO SES NONCAREER APPT</b>				6-A. Code		6-B. Nature of Action																			
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority																			
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 DATED 03/01/18</b>				6-E. Code		6-F. Legal Authority																			
7. FROM: Position Title and Number <b>COMMUNICATIONS DIRECTOR OFFICE OF COMMUNICATION &amp; OUTREACH EO GS60594</b>						15. TO: Position Title and Number <b>DAS FOR COMMUNICATIONS OFFICE OF COMMUNICATION &amp; OUTREACH EO ES00565</b>																					
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>10</b>		12. Total Salary <b>164200</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>ES</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>00</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>179700</b>		21. Pay Basis <b>PA</b>					
12A. Basic Pay <b>136659</b>		12B. Locality Adj. <b>27541</b>		12C. Adj. Basic Pay <b>164200</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>179700</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>179700</b>		20D. Other Pay <b>0</b>													
14. Name and Location of Position's Organization <b>OFC OF COMMUNICATIONS &amp; OUTREACH  WASHINGTON,DC</b>												22. Name and Location of Position's Organization <b>OFC OF COMMUNICATIONS &amp; OUTREACH  WASHINGTON,DC</b>															
<b>EMPLOYEE DATA</b>																											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>									
27. FECA <b>C0</b> (b)(6)												28. Annuitant Indicator <b>9 NOT APPLICABLE</b>						29. Pay Rate Determinant <b>0</b>									
30. Retirement Plan <b>KF</b> (b)(6)						31. Service Comp. Date (Leave) <b>02/01/2017</b>						32. Work Schedule <b>F FULL-TIME</b>						33. Part-Time Hours Per Biweekly Pay Period									
<b>POSITION DATA</b>																											
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved												35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>					
38. Duty Station Code <b>11-0010-001</b>												39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>															
40. Agency Data <b>FUNC CLS 00</b>				41. <b>VET STAT X</b>				42. <b>EDUC LVL 04</b>				43. <b>SUPV STAT 2</b>				44. <b>POSITION SENSITIVITY HIGH RISK</b>											
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20180304. OPM FORM 1652 APPROVED ON 03/01/2018.																											
46. Employing Department or Agency <b>ED - OFC OF COMM &amp; OUTREACH</b>												50. Signature/Authentication and Title of Approving Official <b>180448387 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>															
47. Agency Code <b>EDEO</b>				48. Personnel Office ID <b>1306</b>				49. Approval Date <b>03/08/2018</b>																			

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>BAILEY, NATHAN ADAM</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>05/28/2017</b>																			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																							
5-A. Code <b>570</b>		5-B. Nature of Action <b>CONV TO EXC APPT</b>				6-A. Code		6-B. Nature of Action																			
5-C. Code <b>Y7M</b>		5-D. Legal Authority <b>SCH C, 213.3317</b>				6-C. Code		6-D. Legal Authority																			
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority																			
7. FROM: Position Title and Number <b>SPECIAL ASSISTANT TO THE SECRETARY</b>  <b>EA GS60539</b>						15. TO: Position Title and Number <b>SPECIAL ASSISTANT</b>  <b>EO GS60591</b>																					
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>10</b>		12. Total Salary <b>161900</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>GS</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>15</b>		19. Step or Rate <b>10</b>		20. Total Salary/Award <b>161900</b>		21. Pay Basis <b>PA</b>					
12A. Basic Pay <b>134776</b>		12B. Locality Adj. <b>27124</b>		12C. Adj. Basic Pay <b>161900</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>134776</b>		20B. Locality Adj. <b>27124</b>		20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>													
14. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFC OF COMMUNICATIONS &amp; OUTREACH</b>  <b>WASHINGTON,DC</b>																					
<b>EMPLOYEE DATA</b>																											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
27. FEGLI <b>C0</b> (b)(6)												28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>7</b>											
30. Retirement Plan <b>KF</b> (b)(6)						31. Service Comp. Date (Leave) <b>02/01/2017</b>						32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period											
<b>POSITION DATA</b>																											
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>E</b> E - Exempt N - Nonexempt						36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>									
38. Duty Station Code <b>11-0010-001</b>						39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>																					
40. Agency Data <b>FUNC CLS 00</b>				41. <b>VET STAT X</b>				42. <b>EDUC LVL 04</b>				43. <b>SUPV STAT 2</b>				44. <b>POSITION SENSITIVITY HIGH RISK</b>											
45. Remarks CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. APPOINTMENT IS INDEFINITE. OPM FORM 1019 DATED 05/25/2017																											
46. Employing Department or Agency <b>ED - OFC OF COMM &amp; OUTREACH</b>												50. Signature/Authentication and Title of Approving Official <b>170820907 / ELECTRONICALLY SIGNED BY:</b>  <b>CASSANDRA CUFFEE-GRAVES</b>															
47. Agency Code <b>EDEO</b>				48. Personnel Office ID <b>1306</b>				49. Approval Date <b>05/30/2017</b>																			



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>BAILEY, NATHAN ADAM</b>				2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>06/11/2017</b>															
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																			
5-A. Code <b>721</b>		5-B. Nature of Action <b>REASSIGNMENT</b>				6-A. Code		6-B. Nature of Action															
5-C. Code <b>Y7M</b>		5-D. Legal Authority <b>SCH C, 213.3317*</b>				6-C. Code		6-D. Legal Authority															
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority															
7. FROM: Position Title and Number <b>SPECIAL ASSISTANT (SUPERVISORY)</b>  <b>EO GS60591</b>						15. TO: Position Title and Number <b>COMMUNICATIONS DIRECTOR</b> <b>OFFICE OF COMMUNICATION &amp; OUTREACH</b>  <b>EO GS60594</b>																	
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>10</b>		12. Total Salary <b>161900</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>GS</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>15</b>		19. Step or Rate <b>10</b>		20. Total Salary/Award <b>161900</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>134776</b>		12B. Locality Adj. <b>27124</b>		12C. Adj. Basic Pay <b>161900</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>134776</b>		20B. Locality Adj. <b>27124</b>		20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>									
14. Name and Location of Position's Organization <b>OFC OF COMMUNICATIONS &amp; OUTREACH</b>  <b>WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFC OF COMMUNICATIONS &amp; OUTREACH</b>  <b>WASHINGTON,DC</b>																	
<b>EMPLOYEE DATA</b>																							
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FEGLI <b>C0</b> <b>(b)(6)</b>												28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>							
30. Retirement Plan <b>KF</b> <b>(b)(6)</b>						31. Service Comp. Date (Leave) <b>02/01/2017</b>				32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period									
<b>POSITION DATA</b>																							
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>							
38. Duty Station Code <b>11-0010-001</b>						39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>																	
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>															
45. Remarks POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. OPM FORM 1019 APPROVED 6/8/2017																							
46. Employing Department or Agency <b>ED - OFC OF COMM &amp; OUTREACH</b>												50. Signature/Authentication and Title of Approving Official <b>171038436 / ELECTRONICALLY SIGNED BY:</b>  <b>CASSANDRA CUFFEE-GRAVES</b>											
47. Agency Code <b>EDEO</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>06/16/2017</b>																			

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>BROGAN, FRANK TIMOTHY</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 10/29/2017			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>146</b>		5-B. Nature of Action <b>SES NON-CAREER APPT</b>				6-A. Code		6-B. Nature of Action			
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority			
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM 1652 APPROVED 10/23/17</b>				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>PRINCIPAL DEPUTY ASSISTANT SECRETARY OFF PLANNING,EVAL&amp;POLICY DEVELOPMENT ED ES03479</b>					
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan <b>ES</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>00</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>161900</b>	21. Pay Basis <b>PA</b>
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>161900</b>		20B. Locality Adj. <b>0</b>	
								20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFC OF PLNG, EVAL &amp; POLICY DEV</b>  <b>WASHINGTON,DC</b>					
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27. FEC <b>C0</b> (b)(6)						28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>	
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>10/29/2017</b>		32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 17</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY CRITICAL-SENSITIVE</b>			
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 10/29/17. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.											
46. Employing Department or Agency <b>ED - EDU OPEPD</b>						50. Signature/Authentication and Title of Approving Official <b>171812696 / ELECTRONICALLY SIGNED BY:</b> <b>CASSANDRA CUFFEE-GRAVES</b>					
47. Agency Code <b>EDED</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>11/02/2017</b>							



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>BROGAN, FRANK TIMOTHY</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>07/01/2018</b>							
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>											
5-A. Code <b>570</b>		5-B. Nature of Action <b>CONV TO EXC APPT</b>			6-A. Code		6-B. Nature of Action								
5-C. Code <b>ZNM</b>		5-D. Legal Authority <b>20 U.S.C. 3412 (B) (1) (A)</b>			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number <b>PRINCIPAL DEPUTY ASSISTANT SECRETARY OFF PLANNING, EVAL &amp; POLICY DEVELOPMENT ED ES03479</b>					15. TO: Position Title and Number <b>ASST SEC FOR ELEM AND SECONDARY ED ES EX00003</b>										
8. Pay Plan <b>ES</b>	9. Occ. Code <b>0301</b>	10. Grade or Level <b>00</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>161900</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>EX</b>	17. Occ. Code <b>0340</b>	18. Grade or Level <b>04</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>155500</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay <b>161900</b>		12B. Locality Adj. <b>0</b>		12C. Adj. Basic Pay <b>161900</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>155500</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>155500</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization <b>OFC OF PLNG, EVAL &amp; POLICY DEV  WASHINGTON, DC</b>						22. Name and Location of Position's Organization <b>OFC OF EL &amp; SEC ED  WASHINGTON, DC</b>									
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
27. FEGLI <b>D0</b> (b)(6)						28. Annuitant Indicator <b>9</b> NOT APPLICABLE			29. Pay Rate Determinant <b>T</b>						
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>10/29/2017</b>		32. Work Schedule <b>F</b> FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period						
<b>POSITION DATA</b>															
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code			37. Bargaining Unit Status <b>8888</b>						
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON, DISTRICT OF COLUMBIA</b>											
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 17</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY CRITICAL-SENSITIVE</b>							
45. Remarks CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. FROZEN SERVICE NONE NOMINATED BY THE PRESIDENT ON 12/19/2017. CONFIRMED BY THE SENATE ON 06/25/2018. ATTESTED BY THE PRESIDENT ON 06/26/2018.															
46. Employing Department or Agency <b>ED - OFC OF ELEM/SEC EDUC</b>						50. Signature/Authentication and Title of Approving Official <b>181247463 / ELECTRONICALLY SIGNED BY:</b>									
47. Agency Code <b>EDES</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>07/06/2018</b>		A. <b>BIANCA GREEN</b>									

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>COLLETT, JOHNNY</b>					2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>01/16/2018</b>						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code <b>170</b>		5-B. Nature of Action <b>EXC APPT</b>			6-A. Code		6-B. Nature of Action								
5-C. Code <b>ZNM</b>		5-D. Legal Authority <b>20 U.S.C. 3412</b>			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number <b>ASSISTANT SECRETARY FOR OSERS OFFICE OF THE SECRETARY EH EX00006</b>										
8. Pay Plan <b>EX</b>	9. Occ. Code <b>0340</b>	10. Grade or Level <b>04</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>155500</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>EX</b>	17. Occ. Code <b>0340</b>	18. Grade or Level <b>04</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>155500</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>155500</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>155500</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization <b>OFC OF SPEC ED &amp; REHAB SERVS  WASHINGTON,DC</b>										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FEGLI <b>C0</b> (b)(6)					28. Annuitant Indicator <b>9</b> NOT APPLICABLE			29. Pay Rate Determinant <b>T</b>							
30. Retirement Plan <b>KF</b> (b)(6)					31. Service Comp. Date (Leave) <b>01/16/2018</b>			32. Work Schedule <b>F</b> FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>															
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved					35. FLSA Category <b>E</b> E - Exempt N - Nonexempt			36. Appropriation Code			37. Bargaining Unit Status <b>8888</b>				
38. Duty Station Code <b>11-0010-001</b>					39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>										
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY CRITICAL-SENSITIVE</b>							
45. Remarks APPOINTMENT AFFIDAVIT EXECUTED 01/16/18. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SENATE NOMINATION DATE: 11/16/2017 SENATE CONFIRMATION DATE: 12/21/2017 ATTESTATION DATE: 01/04/2018															
46. Employing Department or Agency <b>ED - OFC OF SPEC ED/REHAB SV</b>					50. Signature/Authentication and Title of Approving Official <b>180039348 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>										
47. Agency Code <b>EDEH</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>01/19/2018</b>											



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>HOLIFIELD, JOHNATHAN MARK</b>					2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>10/01/2017</b>						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code <b>146</b>		5-B. Nature of Action <b>SES NON-CAREER APPT</b>			6-A. Code		6-B. Nature of Action								
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>			6-C. Code		6-D. Legal Authority								
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM 1652 APPROVED_9/11/2017</b>			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number <b>SENIOR ADVISOR OFFICE OF THE UNDER SECRETARY EE ES03478</b>										
8. Pay Plan <b>ES</b>	9. Occ. Code <b>0301</b>	10. Grade or Level <b>00</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>161900</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>ES</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>00</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>161900</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>161900</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization <b>OFC OF THE UNDER SECRETARY  WASHINGTON,DC</b>										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>					
27. FEGLI <b>C0</b> <b>(b)(6)</b>					28. Annuitant Indicator <b>9 NOT APPLICABLE</b>					29. Pay Rate Determinant <b>0</b>					
30. Retirement Plan <b>KF</b> <b>(b)(6)</b>					31. Service Comp. Date (Leave) <b>10/01/2017</b>			32. Work Schedule <b>F FULL-TIME</b>			33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>															
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved					35. FLSA Category <b>E</b> E - Exempt N - Nonexempt			36. Appropriation Code			37. Bargaining Unit Status <b>8888</b>				
38. Duty Station Code <b>11-0010-001</b>					39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>										
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 19</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>							
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 10/01/17. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20171001. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.															
46. Employing Department or Agency <b>ED - OFC OF THE UNDER SECY</b>					50. Signature/Authentication and Title of Approving Official <b>171472959 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>										
47. Agency Code <b>EDEE</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>10/04/2017</b>											

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>HOLIFIELD, JOHNATHAN MARK</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>02/18/2018</b>							
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>											
5-A. Code <b>570</b>		5-B. Nature of Action <b>CONV TO EXC APPT</b>				6-A. Code		6-B. Nature of Action							
5-C. Code <b>Y7M</b>		5-D. Legal Authority <b>SCH C, 213.3317</b>				6-C. Code		6-D. Legal Authority							
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority							
7. FROM: Position Title and Number <b>SENIOR ADVISOR</b> <b>OFFICE OF THE UNDER SECRETARY</b> <b>EE ES03478</b>						15. TO: Position Title and Number <b>EXECUTIVE DIRECTOR, WHIHBCU</b> <b>OFFICE OF THE UNDER SECRETARY</b> <b>EE GS60639</b>									
8. Pay Plan <b>ES</b>	9. Occ. Code <b>0301</b>	10. Grade or Level <b>00</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>161900</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>GS</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>15</b>	19. Step or Rate <b>08</b>	20. Total Salary/Award <b>164200</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay <b>161900</b>		12B. Locality Adj. <b>0</b>		12C. Adj. Basic Pay <b>161900</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>129651</b>		20B. Locality Adj. <b>34549</b>		20C. Adj. Basic Pay <b>164200</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization <b>OFC OF THE UNDER SECRETARY</b>  <b>WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFC OF THE UNDER SECRETARY</b>  <b>WASHINGTON,DC</b>									
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
27. FEGLI <b>K0</b> (b)(6)						28. Annuitant Indicator <b>9</b> NOT APPLICABLE			29. Pay Rate Determinant <b>0</b>						
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>10/01/2017</b>		32. Work Schedule <b>F</b> FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period						
<b>POSITION DATA</b>															
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>					
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>											
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 19</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>							
45. Remarks CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. OPM FORM 1019 APPROVED 02/12/2018 DATE OF LAST EQUIVALENT INCREASE 10/01/17.															
46. Employing Department or Agency <b>ED - OFC OF THE UNDER SECY</b>						50. Signature/Authentication and Title of Approving Official <b>180335900 / ELECTRONICALLY SIGNED BY:</b> <b>CASSANDRA CUFFEE-GRAVES</b>									
47. Agency Code <b>EDEE</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/14/2018</b>											



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>JONES, DIANE AUER</b>				2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date <b>02/18/2018</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>170</b>		5-B. Nature of Action <b>EXC APPT</b>		6-A. Code		6-B. Nature of Action					
5-C. Code <b>Y7M</b>		5-D. Legal Authority <b>SCH C, 213.3317</b>		6-C. Code		6-D. Legal Authority					
5-E. Code		5-F. Legal Authority		6-E. Code		6-F. Legal Authority					
7. FROM: Position Title and Number				15. TO: Position Title and Number <b>SENIOR ADVISOR POSTSECONDARY EDUCATION EP GS60640</b>							
8. Pay Plan <b>GS</b>	9. Occ. Code <b>0301</b>	10. Grade or Level <b>15</b>	11. Step or Rate <b>10</b>	12. Total Salary <b>164200</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>GS</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>15</b>	19. Step or Rate <b>10</b>	20. Total Salary/Award <b>164200</b>	21. Pay Basis <b>PA</b>
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>136659</b>		20B. Locality Adj. <b>27541</b>	
								20C. Adj. Basic Pay <b>164200</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization <b>OFC OF PSTSCNDY ED  WASHINGTON,DC</b>							
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%				24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27. FEGLI <b>Y5</b> (b)(6)				28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>			
30. Retirement Plan <b>K</b> (b)(6)				31. Service Comp. Date (Leave) <b>11/12/2014</b>				32. Work Schedule <b>F</b> FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code		37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 18</b>		43. <b>SUPV STAT 8</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>			
45. Remarks APPOINTMENT AFFIDAVIT EXECUTED 02/20/18. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. OPM APPROVED 1019 SIGNED ON 02/14/2018.											
46. Employing Department or Agency <b>ED - OFC OF POST SEC EDUC</b>						50. Signature/Authentication and Title of Approving Official <b>180393279 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>					
47. Agency Code <b>EDEP</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/28/2018</b>							

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) JONES, DIANE AUER				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 06/24/2018							
<b>FIRST ACTION</b>						<b>SECOND ACTION</b>									
5-A. Code 546		5-B. Nature of Action CONV TO SES NONCAREER APPT				6-A. Code		6-B. Nature of Action							
5-C. Code V4L		5-D. Legal Authority 5 U.S.C. 3394(A) NONCAREER				6-C. Code		6-D. Legal Authority							
5-E. Code AWM		5-F. Legal Authority OPM FORM 1652 DATED 06/13/18				6-E. Code		6-F. Legal Authority							
7. FROM: Position Title and Number SENIOR ADVISOR POSTSECONDARY EDUCATION EP GS60640						15. TO: Position Title and Number PRINCIPAL DEPUTY UNDER SECRETARY OFFICE OF THE UNDER SECRETARY EE ES03452									
8. Pay Plan GS	9. Occ. Code 0301	10. Grade or Level 15	11. Step or Rate 10	12. Total Salary 164200	13. Pay Basis PA	16. Pay Plan ES	17. Occ. Code 0301	18. Grade or Level 00	19. Step or Rate 00	20. Total Salary/Award 179700	21. Pay Basis PA				
12A. Basic Pay 136659		12B. Locality Adj. 27541		12C. Adj. Basic Pay 164200		12D. Other Pay 0		20A. Basic Pay 179700		20B. Locality Adj. 0		20C. Adj. Basic Pay 179700		20D. Other Pay 0	
14. Name and Location of Position's Organization OFC OF PSTSCNDY ED  WASHINGTON,DC						22. Name and Location of Position's Organization OFC OF THE UNDER SECRETARY  WASHINGTON,DC									
<b>EMPLOYEE DATA</b>															
23. Veterans Preference 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30% I						24. Tenure 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite 0			25. Agency Use		26. Veterans Preference for RIF YES X NO				
27. FEC Y5 (b)(6)						28. Annuitant Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0						
30. Retirement Plan K (b)(6)				31. Service Comp. Date (Leave) 08/14/2015		32. Work Schedule F FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period						
<b>POSITION DATA</b>															
34. Position Occupied 3 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code			37. Bargaining Unit Status 8888						
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON,DISTRICT OF COLUMBIA											
40. Agency Data FUNC CLS 00		41. VET STAT X		42. EDUC LVL 18		43. SUPV STAT 2		44. POSITION SENSITIVITY CRITICAL-SENSITIVE							
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20180624. OPM FORM 1652 DATED 06/13/2018															
46. Employing Department or Agency ED - OFC OF THE UNDER SECY						50. Signature/Authentication and Title of Approving Official 180903359 / ELECTRONICALLY SIGNED BY: A. BIANCA GREEN									
47. Agency Code EDEE		48. Personnel Office ID 1306		49. Approval Date 06/28/2018											



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>KISSEL, ADAM HEATH</b>					2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>06/19/2017</b>						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code <b>146</b>		5-B. Nature of Action <b>SES NON-CAREER APPT</b>			6-A. Code		6-B. Nature of Action								
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>			6-C. Code		6-D. Legal Authority								
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 DATED 05/19/17</b>			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number <b>DEP ASST SEC FOR HIGHER ED PROGRAMS</b>  <b>EPH ES03476</b>										
8. Pay Plan <b>ES</b>	9. Occ. Code <b>0340</b>	10. Grade or Level <b>00</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>150000</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>ES</b>	17. Occ. Code <b>0340</b>	18. Grade or Level <b>00</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>150000</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>150000</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>150000</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization <b>OFC OF PSTSCNDY ED HIGHER ED PRGMS</b>  <b>WASHINGTON,DC</b>										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%					24. Tenure <b>0</b> 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FEGLI <b>C0</b> (b)(6)					28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>						
30. Retirement Plan <b>KF</b> (b)(6)					31. Service Comp. Date (Leave) <b>06/19/2017</b>			32. Work Schedule <b>F</b> FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period					
<b>POSITION DATA</b>															
34. Position Occupied <b>3</b> 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved					35. FLSA Category <b>E</b> E - Exempt N - Nonexempt			36. Appropriation Code			37. Bargaining Unit Status <b>8888</b>				
38. Duty Station Code <b>11-0010-001</b>					39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON, DISTRICT OF COLUMBIA</b>										
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 17</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>							
45. Remarks FROZEN SERVICE NONE TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 06/19/17. EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20170619.															
46. Employing Department or Agency <b>ED - OFC OF POST SEC EDUC</b>					50. Signature/Authentication and Title of Approving Official <b>170829499 / ELECTRONICALLY SIGNED BY:</b> <b>CASSANDRA CUFFEE-GRAVES</b>										
47. Agency Code <b>EDEP</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>06/22/2017</b>											

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>LEE, EBONY L.</b>				2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>02/02/2017</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>190</b>		5-B. Nature of Action <b>PROVISIONAL APPT NTE 06-02-17</b>				6-A. Code		6-B. Nature of Action			
5-C. Code <b>Y9K</b>		5-D. Legal Authority <b>SCH C, 213.3302(A)</b>				6-C. Code		6-D. Legal Authority			
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>SPECIAL ASSISTANT TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60548</b>					
8. Pay Plan <b>GS</b>	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan <b>GS</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>15</b>	19. Step or Rate <b>10</b>	20. Total Salary/Award <b>161900</b>	21. Pay Basis <b>PA</b>
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>134776</b>		20B. Locality Adj. <b>27124</b>	
								20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>					
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b>	
27. FEGLI <b>C0</b> <b>(b)(6)</b>						28. Annuitant Indicator <b>9</b> <b>NOT APPLICABLE</b>				29. Pay Rate Determinant <b>7</b>	
30. Retirement Plan <b>KF</b> <b>(b)(6)</b>				31. Service Comp. Date (Leave) <b>02/02/2003</b>		32. Work Schedule <b>F</b> <b>FULL-TIME</b>				33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON, DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 17</b>		43. <b>SUPV STAT 8</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>			
45. Remarks APPOINTMENT IS ON A PROVISIONAL BASIS. YOU ARE ELIGIBLE FOR RETIREMENT COVERAGE AND FOR HEALTH BENEFITS AND LIFE INSURANCE. IF YOUR PERFORMANCE IS SATISFACTORY, AND YOU MEET ALL LEGAL QUALIFICATIONS, AND OTHER APPLICABLE REQUIREMENTS, YOU MAY BE CONVERTED TO A NONTEMPORARY APPOINTMENT BEFORE THIS APPOINTMENT EXPIRES. APPOINTMENT AFFIDAVIT EXECUTED 06/02/17. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. REASON FOR TEMPORARY APPOINTMENT TO SERVE UNDER TTC.											
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>						50. Signature/Authentication and Title of Approving Official <b>170415477 / ELECTRONICALLY SIGNED BY:</b> <b>CASSANDRA CUFFEE-GRAVES</b>					
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/03/2017</b>							



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>LEE, EBONY L.</b>				2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>04/16/2017</b>															
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																			
5-A. Code <b>546</b>		5-B. Nature of Action <b>CONV TO SES NONCAREER</b>				6-A. Code		6-B. Nature of Action															
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority															
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 DATED 04/11/17</b>				6-E. Code		6-F. Legal Authority															
7. FROM: Position Title and Number <b>SPECIAL ASSISTANT TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60548</b>						15. TO: Position Title and Number <b>DCOS FOR POLICY OFFICE OF THE SECRETARY EA GS60472</b>																	
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>10</b>		12. Total Salary <b>161900</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>ES</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>00</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>179700</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>134776</b>		12B. Locality Adj. <b>27124</b>		12C. Adj. Basic Pay <b>161900</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>179700</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>179700</b>		20D. Other Pay <b>0</b>									
14. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>																	
<b>EMPLOYEE DATA</b>																							
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>					
27. FEGLI <b>K0 (b)(6)</b>												28. Annuitant Indicator <b>9 NOT APPLICABLE</b>						29. Pay Rate Determinant <b>0</b>					
30. Retirement Plan <b>KF (b)(6)</b>						31. Service Comp. Date (Leave) <b>02/02/2003</b>						32. Work Schedule <b>F FULL-TIME</b>						33. Part-Time Hours Per Biweekly Pay Period					
<b>POSITION DATA</b>																							
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>E</b> E - Exempt N - Nonexempt						36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>					
38. Duty Station Code <b>11-0010-001</b>						39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>																	
40. Agency Data <b>FUNC CLS 00</b>				41. <b>VET STAT X</b>				42. <b>EDUC LVL 17</b>				43. <b>SUPV STAT 2</b>				44. <b>POSITION SENSITIVITY HIGH RISK</b>							
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20170416.																							
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>												50. Signature/Authentication and Title of Approving Official <b>170637505 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>											
47. Agency Code <b>EDEA</b>				48. Personnel Office ID <b>1306</b>				49. Approval Date <b>04/18/2017</b>															

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) MARCUS, KENNETH L.				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 06/25/2018			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code 170		5-B. Nature of Action EXC APPT		6-A. Code		6-B. Nature of Action					
5-C. Code ZNM		5-D. Legal Authority 20 U.S.C. 3412		6-C. Code		6-D. Legal Authority					
5-E. Code		5-F. Legal Authority		6-E. Code		6-F. Legal Authority					
7. FROM: Position Title and Number				15. TO: Position Title and Number ASST SECRETARY FOR CIVIL RIGHTS EC EX00011							
8. Pay Plan EX	9. Occ. Code 0340	10. Grade or Level 04	11. Step or Rate 00	12. Total Salary 164200	13. Pay Basis PA	16. Pay Plan EX	17. Occ. Code 0340	18. Grade or Level 04	19. Step or Rate 00	20. Total Salary/Award 164200	21. Pay Basis PA
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay 164200		20B. Locality Adj. 0	
								20C. Adj. Basic Pay 164200		20D. Other Pay 0	
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization OFFICE FOR CIVIL RIGHTS  WASHINGTON,DC							
<b>EMPLOYEE DATA</b>											
23. Veterans Preference 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%				24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
27. FEGLI C0 (b)(6)				28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant T			
30. Retirement Plan KF (b)(6)				31. Service Comp. Date (Leave) 10/16/1989				32. Work Schedule F FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied 2 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888	
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON, DISTRICT OF COLUMBIA							
40. Agency Data FUNC CLS 00		41. VET STAT X		42. EDUC LVL 17		43. SUPV STAT 2		44. POSITION SENSITIVITY CRITICAL-SENSITIVE			
45. Remarks APPOINTMENT AFFIDAVIT EXECUTED 06/25/18. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. NOMINATED BY THE PRESIDENT ON 01/08/2018. CONFIRMED BY THE SENATE ON 06/07/2018. ATTESTED BY THE PRESIDENT ON 06/12/2018.											
46. Employing Department or Agency ED - OFC FOR CIVIL RIGHTS						50. Signature/Authentication and Title of Approving Official 181210566 / ELECTRONICALLY SIGNED BY: A. BIANCA GREEN					
47. Agency Code EDEC		48. Personnel Office ID 1306		49. Approval Date 07/02/2018							



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>MUNIZ, CARLOS GENAVO</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>02/12/2018</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>146</b>		5-B. Nature of Action <b>SES NON-CAREER APPT</b>				6-A. Code		6-B. Nature of Action			
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority			
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 APPROVED 2-9-18</b>				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>SENIOR ADVISOR OFFICE OF THE SECRETARY EA ES03488</b>					
8. Pay Plan <b>ES</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>00</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>155500</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>155500</b>		12B. Locality Adj. <b>0</b>		12C. Adj. Basic Pay <b>155500</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>155500</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>					
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>	
27. FEGLI <b>C0</b> (b)(6)						28. Annuitant Indicator <b>9 NOT APPLICABLE</b>				29. Pay Rate Determinant <b>0</b>	
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>02/12/2018</b>		32. Work Schedule <b>F FULL-TIME</b>				33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 20</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>			
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 12/12/18. EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.											
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>						50. Signature/Authentication and Title of Approving Official <b>180382918 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>					
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/14/2018</b>							

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>OPPENHEIM, PETER</b>					2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>08/09/2017</b>						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code <b>170</b>		5-B. Nature of Action <b>EXC APPT</b>			6-A. Code		6-B. Nature of Action								
5-C. Code <b>ZNM</b>		5-D. Legal Authority <b>20 U.S.C. 3412</b>			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number <b>ASSISTANT SECRETARY OLCA</b>  <b>EJ EX00015 E008481</b>										
8. Pay Plan <b>EX</b>	9. Occ. Code <b>1720</b>	10. Grade or Level <b>04</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>161900</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>EX</b>	17. Occ. Code <b>1720</b>	18. Grade or Level <b>04</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>161900</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>161900</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization <b>OFC LEGSLTN &amp; CONGRES AFFAIRS</b>  <b>WASHINGTON,DC</b>										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FEGLI <b>C0</b> (b)(6)					28. Annuitant Indicator <b>9</b> NOT APPLICABLE			29. Pay Rate Determinant <b>T</b>							
30. Retirement Plan <b>K</b> (b)(6)					31. Service Comp. Date (Leave) <b>08/09/2017</b>			32. Work Schedule <b>F</b> FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>															
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved					35. FLSA Category <b>E</b> E - Exempt N - Nonexempt			36. Appropriation Code			37. Bargaining Unit Status <b>8888</b>				
38. Duty Station Code <b>11-0010-001</b>					39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>										
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>							
45. Remarks APPOINTMENT AFFIDAVIT EXECUTED 08/09/17. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. FROZEN SERVICE NONE APPOINTMENT IS INDEFINITE. DATE OF NOMINATION 06/08/2017 DATE OF SENATE CONFIRMATION 08/03/2017															
46. Employing Department or Agency <b>ED - OFC OF LEGIS/CONGRLL AFF</b>					50. Signature/Authentication and Title of Approving Official <b>171494471 / ELECTRONICALLY SIGNED BY:</b> <b>CASSANDRA CUFFEE-GRAVES</b>										
47. Agency Code <b>EDEJ</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>08/14/2017</b>											



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>RICHEY, KIMBERLY M.</b>					2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>06/19/2017</b>						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code <b>146</b>		5-B. Nature of Action <b>SES NON-CAREER APPT</b>			6-A. Code		6-B. Nature of Action								
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>			6-C. Code		6-D. Legal Authority								
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 DATED 05/24/17</b>			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number <b>DAS FOR SPECIAL ED AND REHAB SERVICES</b> <b>EH ES00563 01</b>										
8. Pay Plan <b>ES</b>	9. Occ. Code <b>0301</b>	10. Grade or Level <b>00</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>172000</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>ES</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>00</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>172000</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>172000</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>172000</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization <b>OFC OF SPEC ED &amp; REHAB SERVS</b>  <b>WASHINGTON,DC</b>										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>					
27. FEGLI <b>C0</b> <b>(b)(6)</b>					28. Annuitant Indicator <b>9 NOT APPLICABLE</b>					29. Pay Rate Determinant <b>0</b>					
30. Retirement Plan <b>KF</b> <b>(b)(6)</b>					31. Service Comp. Date (Leave) <b>06/19/2017</b>			32. Work Schedule <b>F FULL-TIME</b>			33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>															
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved					35. FLSA Category <b>E</b> E - Exempt N - Nonexempt			36. Appropriation Code			37. Bargaining Unit Status <b>8888</b>				
38. Duty Station Code <b>11-0010-001</b>					39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>										
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 15</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>							
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 06/19/17. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.															
46. Employing Department or Agency <b>ED - OFC OF SPEC ED/REHAB SV</b>					50. Signature/Authentication and Title of Approving Official <b>170820535 / ELECTRONICALLY SIGNED BY:</b> <b>CASSANDRA CUFFEE-GRAVES</b>										
47. Agency Code <b>EDEH</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>06/22/2017</b>											

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>RIEMER, JEFFREY</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>02/06/2017</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>190</b>		5-B. Nature of Action <b>PROVISIONAL APPT NTE 06-06-17</b>				6-A. Code		6-B. Nature of Action			
5-C. Code <b>Y9K</b>		5-D. Legal Authority <b>SCH C, 213.3302(A)</b>				6-C. Code		6-D. Legal Authority			
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>SENIOR COUNSELOR TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60553</b>					
8. Pay Plan <b>GS</b>	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan <b>GS</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>15</b>	19. Step or Rate <b>06</b>	20. Total Salary/Award <b>153730</b>	21. Pay Basis <b>PA</b>
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>120952</b>		20B. Locality Adj. <b>32778</b>	
								20C. Adj. Basic Pay <b>153730</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON, DC</b>					
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27. FEGLI <b>C0</b> (b)(6)						28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>7</b>	
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>02/06/2017</b>		32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0000-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>DISTRICT OF COLUMBIA COUNTY, DC</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 8</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>			
45. Remarks APPOINTMENT IS ON A PROVISIONAL BASIS. YOU ARE ELIGIBLE FOR RETIREMENT COVERAGE AND FOR HEALTH BENEFITS AND LIFE INSURANCE. IF YOUR PERFORMANCE IS SATISFACTORY, AND YOU MEET ALL LEGAL QUALIFICATIONS, AND OTHER APPLICABLE REQUIREMENTS, YOU MAY BE CONVERTED TO A NONTEMPORARY APPOINTMENT BEFORE THIS APPOINTMENT EXPIRES. APPOINTMENT AFFIDAVIT EXECUTED 02/02/17. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED FROZEN SERVICE NONE REASON FOR TEMPORARY APPOINTMENT TO SERVE UNDER TTC. EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.											
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>						50. Signature/Authentication and Title of Approving Official <b>170427835 / ELECTRONICALLY SIGNED BY:</b>					
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/10/2017</b>		CASSANDRA CUFFEE-GRAVES					

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>RIEMER, JEFFREY</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>04/29/2018</b>				
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>								
5-A. Code <b>546</b>		5-B. Nature of Action <b>CONV TO SES NONCAREER APPT</b>				6-A. Code		6-B. Nature of Action				
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority				
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 SIGNED 4/20/18</b>				6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number <b>ATTORNEY ADVISOR OFFICE OF THE GENERAL COUNSEL EG GS60564</b>						15. TO: Position Title and Number <b>PTY GEN COUNSEL, POSTSECONDARY SERV OFFICE OF THE GENERAL COUNSEL EG ES00431</b>						
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0905</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>06</b>		12. Total Salary <b>157253</b>		13. Pay Basis <b>PA</b>		
16. Pay Plan <b>ES</b>		17. Occ. Code <b>0905</b>		18. Grade or Level <b>00</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>170000</b>		21. Pay Basis <b>PA</b>		
12A. Basic Pay <b>122643</b>		12B. Locality Adj. <b>34610</b>		12C. Adj. Basic Pay <b>157253</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>170000</b>		20B. Locality Adj. <b>0</b>		
20C. Adj. Basic Pay <b>170000</b>		20D. Other Pay <b>0</b>										
14. Name and Location of Position's Organization <b>OFC OF THE GENERAL COUNSEL  WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFC OF THE GENERAL COUNSEL  WASHINGTON,DC</b>						
<b>EMPLOYEE DATA</b>												
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>	
27. FEGLI <b>C0</b> (b)(6)						28. Annuitant Indicator <b>9 NOT APPLICABLE</b>			29. Pay Rate Determinant <b>0</b>			
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>05/06/2016</b>		32. Work Schedule <b>F FULL-TIME</b>			33. Part-Time Hours Per Biweekly Pay Period			
<b>POSITION DATA</b>												
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>		
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>								
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY NONCRITICAL-SENSITI</b>				
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) VETERAN PREFERENCE IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. THE PAY RATE OF AN EMPLOYEE OCCUPYING A POSITION SUBJECT TO THE PAY FREEZE FOR CERTAIN SENIOR POLITICAL OFFICIALS SHALL BE BASED ON THE RATE OF PAY AND APPLICABLE PAY LIMITATIONS IN EFFECT ON DECEMBER 31, 2013 FROZEN SERVICE NONE												
46. Employing Department or Agency <b>ED - OFC OF GENERAL COUNSEL</b>						50. Signature/Authentication and Title of Approving Official <b>180666917 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>						
47. Agency Code <b>EDEG</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>04/25/2018</b>								



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>RIEMER, JEFFREY</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>04/16/2017</b>															
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																			
5-A. Code <b>570</b>		5-B. Nature of Action <b>CONV TO EXC APPT</b>				6-A. Code		6-B. Nature of Action															
5-C. Code <b>Y7M</b>		5-D. Legal Authority <b>SCH C, 213.3317</b>				6-C. Code		6-D. Legal Authority															
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority															
7. FROM: Position Title and Number <b>SENIOR COUNSELOR TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60553</b>						15. TO: Position Title and Number <b>ATTORNEY ADVISOR OFFICE OF THE GENERAL COUNSEL EG GS60564</b>																	
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>06</b>		12. Total Salary <b>153730</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>GS</b>		17. Occ. Code <b>0905</b>		18. Grade or Level <b>15</b>		19. Step or Rate <b>06</b>		20. Total Salary/Award <b>153730</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>120952</b>		12B. Locality Adj. <b>32778</b>		12C. Adj. Basic Pay <b>153730</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>120952</b>		20B. Locality Adj. <b>32778</b>		20C. Adj. Basic Pay <b>153730</b>		20D. Other Pay <b>0</b>									
14. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFC OF THE GENERAL COUNSEL  WASHINGTON,DC</b>																	
<b>EMPLOYEE DATA</b>																							
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FEGLI <b>C0</b> (b)(6)												28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>7</b>							
30. Retirement Plan <b>KF</b> (b)(6)						31. Service Comp. Date (Leave) <b>02/06/2017</b>						32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period							
<b>POSITION DATA</b>																							
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>							
38. Duty Station Code <b>11-0000-001</b>						39. Duty Station (City - County - State or Overseas Location) <b>DISTRICT OF COLUMBIA COUNTY, DC</b>																	
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 8</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>															
45. Remarks CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. APPOINTMENT IS INDEFINITE. POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. OPM FORM DATED 04/03/2017 DATE OF LAST EQUIVALENT INCREASE 04/16/17.																							
46. Employing Department or Agency <b>ED - OFC OF GENERAL COUNSEL</b>												50. Signature/Authentication and Title of Approving Official <b>170526139 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>											
47. Agency Code <b>EDEG</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>04/24/2017</b>																			

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>SIMMONS, LEE DOUGLASS RUSSELL</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>02/13/2017</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>190</b>		5-B. Nature of Action <b>PROVISIONAL APPT NTE 06-13-17</b>				6-A. Code		6-B. Nature of Action			
5-C. Code <b>Y9K</b>		5-D. Legal Authority <b>SCH C, 213.3302(A)</b>				6-C. Code		6-D. Legal Authority			
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>SPECIAL ASST TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60556</b>					
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan <b>GS</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>15</b>	19. Step or Rate <b>07</b>	20. Total Salary/Award <b>158123</b>	21. Pay Basis <b>PA</b>
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>124408</b>		20B. Locality Adj. <b>33715</b>	
								20C. Adj. Basic Pay <b>158123</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>					
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27. FEGLI <b>B0</b> (b)(6)						28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>7</b>	
30. Retirement Plan <b>K</b> (b)(6)				31. Service Comp. Date (Leave) <b>01/27/2017</b>		32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON, DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 8</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>			
45. Remarks APPOINTMENT IS ON A PROVISIONAL BASIS. YOU ARE ELIGIBLE FOR RETIREMENT COVERAGE AND FOR HEALTH BENEFITS AND LIFE INSURANCE. IF YOUR PERFORMANCE IS SATISFACTORY, AND YOU MEET ALL LEGAL QUALIFICATIONS, AND OTHER APPLICABLE REQUIREMENTS, YOU MAY BE CONVERTED TO A NONTEMPORARY APPOINTMENT BEFORE THIS APPOINTMENT EXPIRES. APPOINTMENT AFFIDAVIT EXECUTED 02/13/17. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. REASON FOR TEMPORARY APPOINTMENT TO SERVE UNDER TTC.											
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>						50. Signature/Authentication and Title of Approving Official <b>170461915 / ELECTRONICALLY SIGNED BY:</b>					
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/15/2017</b>		CASSANDRA CUFFEE-GRAVES					

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>SIMMONS, LEE DOUGLASS RUSSELL</b>				2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>08/07/2017</b>																			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																							
5-A. Code <b>546</b>		5-B. Nature of Action <b>CONV TO SES NONCAREER APPT</b>				6-A. Code		6-B. Nature of Action																			
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority																			
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 07/13/2017</b>				6-E. Code		6-F. Legal Authority																			
7. FROM: Position Title and Number <b>SPECIAL ASST TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60575</b>						15. TO: Position Title and Number <b>DEPUTY CHIEF OF STAFF FOR OPERATIONS OFFICE OF THE SECRETARY EA ES03476</b>																					
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>07</b>		12. Total Salary <b>158123</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>ES</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>00</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>179700</b>		21. Pay Basis <b>PA</b>					
12A. Basic Pay <b>124408</b>		12B. Locality Adj. <b>33715</b>		12C. Adj. Basic Pay <b>158123</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>179700</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>179700</b>		20D. Other Pay <b>0</b>													
14. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>																					
<b>EMPLOYEE DATA</b>																											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
27. FEGLI <b>B0</b> <b>(b)(6)</b>												28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>7</b>											
30. Retirement Plan <b>K</b> <b>(b)(6)</b>						31. Service Comp. Date (Leave) <b>01/27/2007</b>				32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period													
<b>POSITION DATA</b>																											
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>											
38. Duty Station Code <b>11-0010-001</b>						39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>																					
40. Agency Data <b>FUNC CLS 00</b>				41. <b>VET STAT X</b>				42. <b>EDUC LVL 04</b>				43. <b>SUPV STAT 2</b>				44. <b>POSITION SENSITIVITY CRITICAL-SENSITIVE</b>											
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20170807. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.																											
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>												50. Signature/Authentication and Title of Approving Official <b>171166333 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>															
47. Agency Code <b>EDEA</b>				48. Personnel Office ID <b>1306</b>				49. Approval Date <b>08/03/2017</b>																			



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>SIMMONS, LEE DOUGLASS RUSSELL</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>05/14/2017</b>															
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																			
5-A. Code <b>570</b>		5-B. Nature of Action <b>CONV TO EXC APPT</b>				6-A. Code		6-B. Nature of Action															
5-C. Code <b>Y7M</b>		5-D. Legal Authority <b>SCH C, 213.3317</b>				6-C. Code		6-D. Legal Authority															
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority															
7. FROM: Position Title and Number <b>SPECIAL ASST TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60556</b>						15. TO: Position Title and Number <b>SPECIAL ASST TO THE SECRETARY OFFICE OF THE SECRETARY EA GS60575</b>																	
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>07</b>		12. Total Salary <b>158123</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>GS</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>15</b>		19. Step or Rate <b>07</b>		20. Total Salary/Award <b>158123</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>124408</b>		12B. Locality Adj. <b>33715</b>		12C. Adj. Basic Pay <b>158123</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>124408</b>		20B. Locality Adj. <b>33715</b>		20C. Adj. Basic Pay <b>158123</b>		20D. Other Pay <b>0</b>									
14. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY  WASHINGTON,DC</b>																	
<b>EMPLOYEE DATA</b>																							
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FEGLI <b>B0</b> (b)(6)												28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>7</b>							
30. Retirement Plan <b>K</b> (b)(6)						31. Service Comp. Date (Leave) <b>01/27/2017</b>				32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period									
<b>POSITION DATA</b>																							
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>							
38. Duty Station Code <b>11-0010-001</b>						39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>																	
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>															
45. Remarks CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. APPOINTMENT IS INDEFINITE. POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. OPM FORM 1019 APPROVED 4-28-2017 DATE OF LAST EQUIVALENT INCREASE 05/14/17.																							
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>												50. Signature/Authentication and Title of Approving Official <b>170736745 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES</b>											
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>				49. Approval Date <b>05/15/2017</b>																	

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>SMITH, KATHLEEN A.</b>				2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>02/19/2017</b>				
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>								
5-A. Code <b>190</b>		5-B. Nature of Action <b>PROVISIONAL APPT NTE 06-19-17</b>				6-A. Code		6-B. Nature of Action				
5-C. Code <b>Y9K</b>		5-D. Legal Authority <b>SCH C, 213.3302(A)</b>				6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>SPECIAL ASSISTANT TO THE SECRETARY</b>  <b>EA GS60547</b>						
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		19. Step or Rate <b>10</b>		20. Total Salary/Award <b>161900</b>		21. Pay Basis <b>PA</b>		
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>134776</b>		20B. Locality Adj. <b>27124</b>	20C. Adj. Basic Pay <b>161900</b>	20D. Other Pay <b>0</b>
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>						
<b>EMPLOYEE DATA</b>												
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>3</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
27. FEGLI <b>B0</b> <b>(b)(6)</b>						28. Annuitant Indicator <b>9</b> <b>NOT APPLICABLE</b>				29. Pay Rate Determinant <b>7</b>		
30. Retirement Plan <b>K</b> <b>(b)(6)</b>				31. Service Comp. Date (Leave) <b>09/20/2007</b>		32. Work Schedule <b>F</b> <b>FULL-TIME</b>				33. Part-Time Hours Per Biweekly Pay Period		
<b>POSITION DATA</b>												
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>		
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON, DISTRICT OF COLUMBIA</b>								
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 17</b>		43. <b>SUPV STAT 8</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>				
45. Remarks APPOINTMENT IS ON A PROVISIONAL BASIS. YOU ARE ELIGIBLE FOR RETIREMENT COVERAGE AND FOR HEALTH BENEFITS AND LIFE INSURANCE. IF YOUR PERFORMANCE IS SATISFACTORY, AND YOU MEET ALL LEGAL QUALIFICATIONS, AND OTHER APPLICABLE REQUIREMENTS, YOU MAY BE CONVERTED TO A NONTEMPORARY APPOINTMENT BEFORE THIS APPOINTMENT EXPIRES. APPOINTMENT AFFIDAVIT EXECUTED 02/19/17. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. REASON FOR TEMPORARY APPOINTMENT TO SERVE UNDER TTC. PAY SET USING THE SUPERIOR QUALIFICATIONS AND SPECIAL NEEDS PAY-SETTING AUTHORITY UNDER 5 CFR 531.212												
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>						50. Signature/Authentication and Title of Approving Official <b>170422310 / ELECTRONICALLY SIGNED BY:</b>  <b>CASSANDRA CUFFEE-GRAVES</b>						
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>02/21/2017</b>								

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>SMITH, KATHLEEN A.</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>05/28/2017</b>															
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																			
5-A. Code <b>546</b>		5-B. Nature of Action <b>CONV TO SES NONCAREER APPT</b>				6-A. Code		6-B. Nature of Action															
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority															
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 DATED 05/17/17</b>				6-E. Code		6-F. Legal Authority															
7. FROM: Position Title and Number <b>SPECIAL ASSISTANT TO THE SECRETARY</b>  <b>EA GS60547</b>						15. TO: Position Title and Number <b>SR ADVISOR TO THE ASST SECRETARY</b> <b>OFFICE OF POST SECONDARY EDUCATION</b>  <b>EP ES03475</b>																	
8. Pay Plan <b>GS</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>15</b>		11. Step or Rate <b>10</b>		12. Total Salary <b>161900</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>ES</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>00</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>161900</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>134776</b>		12B. Locality Adj. <b>27124</b>		12C. Adj. Basic Pay <b>161900</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>161900</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>161900</b>		20D. Other Pay <b>0</b>									
14. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFC OF PSTSCNDY ED</b>  <b>WASHINGTON,DC</b>																	
<b>EMPLOYEE DATA</b>																							
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FEGLI <b>B0</b> (b)(6)												28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>							
30. Retirement Plan <b>K</b> (b)(6)						31. Service Comp. Date (Leave) <b>09/20/2007</b>				32. Work Schedule <b>F</b> FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period									
<b>POSITION DATA</b>																							
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>							
38. Duty Station Code <b>11-0010-001</b>						39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>																	
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 17</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>															
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20170528. OPM FORM 1652 DATED 05/17/2017.																							
46. Employing Department or Agency <b>ED - OFC OF POST SEC EDUC</b>												50. Signature/Authentication and Title of Approving Official <b>170855944 / ELECTRONICALLY SIGNED BY:</b>  <b>CASSANDRA CUFFEE-GRAVES</b>											
47. Agency Code <b>EDEP</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>06/06/2017</b>																			



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SMITH, KATHLEEN A.				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 01/28/2018							
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>											
5-A. Code 571		5-B. Nature of Action CONV TO EXC APPT NTE 01-28-22				6-A. Code		6-B. Nature of Action							
5-C. Code ZLM		5-D. Legal Authority P.L. 105-244 SEC 141 (E)(1)				6-C. Code		6-D. Legal Authority							
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority							
7. FROM: Position Title and Number SR ADVISOR TO THE ASST SECRETARY OFFICE OF POST SECONDARY EDUCATION EP ES03475						15. TO: Position Title and Number DEPUTY CHIEF OPERATING OFFICER EN1 N80022N									
8. Pay Plan ES	9. Occ. Code 0301	10. Grade or Level 00	11. Step or Rate 00	12. Total Salary 161900	13. Pay Basis PA	16. Pay Plan AD	17. Occ. Code 0340	18. Grade or Level 00	19. Step or Rate 00	20. Total Salary/Award 189600	21. Pay Basis PA				
12A. Basic Pay 161900		12B. Locality Adj. 0		12C. Adj. Basic Pay 161900		12D. Other Pay 0		20A. Basic Pay 189600		20B. Locality Adj. 0		20C. Adj. Basic Pay 189600		20D. Other Pay 0	
14. Name and Location of Position's Organization OFC OF PSTSCNDY ED  WASHINGTON,DC						22. Name and Location of Position's Organization FEDERAL STUDENT AID CHIEF OPERATING OFFICER  WASHINGTON,DC									
<b>EMPLOYEE DATA</b>															
23. Veterans Preference 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure 3 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF YES X NO					
27. FEGLI B0 (b)(6)						28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0					
30. Retirement Plan K (b)(6)				31. Service Comp. Date (Leave) 09/20/2007		32. Work Schedule F FULL-TIME				33. Part-Time Hours Per Biweekly Pay Period					
<b>POSITION DATA</b>															
34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status 8888					
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON,DISTRICT OF COLUMBIA											
40. Agency Data FUNC CLS 00		41. VET STAT X		42. EDUC LVL 17		43. SUPV STAT 2		44. POSITION SENSITIVITY CRITICAL-SENSITIVE							
45. Remarks CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. APPOINTMENT IS SUBJECT TO COMPLETION OF TWO YEAR TRAIL PERIOD															
46. Employing Department or Agency ED - STUDENT FINANCIAL AID						50. Signature/Authentication and Title of Approving Official 180514020 / ELECTRONICALLY SIGNED BY: STEPHANIE V. STANARD, PH.D.									
47. Agency Code EDEN		48. Personnel Office ID 1306		49. Approval Date 01/28/2018											

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) TALBERT, KENT D.				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 01/23/2018			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code 146		5-B. Nature of Action SES NON-CAREER APPT		6-A. Code		6-B. Nature of Action					
5-C. Code V4L		5-D. Legal Authority 5 U.S.C. 3394(A) NONCAREER		6-C. Code		6-D. Legal Authority					
5-E. Code AWM		5-F. Legal Authority DATED 12/15/2017		6-E. Code		6-F. Legal Authority					
7. FROM: Position Title and Number				15. TO: Position Title and Number SENIOR ADVISOR EB ES03482							
8. Pay Plan ES	9. Occ. Code 0301	10. Grade or Level 00	11. Step or Rate 00	12. Total Salary 179700	13. Pay Basis PA	16. Pay Plan ES	17. Occ. Code 0301	18. Grade or Level 00	19. Step or Rate 00	20. Total Salary/Award 179700	21. Pay Basis PA
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay 179700		20B. Locality Adj. 0	
								20C. Adj. Basic Pay 179700		20D. Other Pay 0	
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization OFC OF THE DEPUTY SECRETARY  WASHINGTON,DC							
<b>EMPLOYEE DATA</b>											
23. Veterans Preference 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%				24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
27. FEGLI C0 (b)(6)				28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0			
30. Retirement Plan KF (b)(6)				31. Service Comp. Date (Leave) 01/23/2018				32. Work Schedule F FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied 3 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				35. FLSA Category E E - Exempt N - Nonexempt				36. Appropriation Code		37. Bargaining Unit Status 8888	
38. Duty Station Code 11-0010-001				39. Duty Station (City - County - State or Overseas Location) WASHINGTON, DISTRICT OF COLUMBIA							
40. Agency Data FUNC CLS 00		41. VET STAT X		42. EDUC LVL 15		43. SUPV STAT 2		44. POSITION SENSITIVITY HIGH RISK			
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED APPOINTMENT AFFIDAVIT EXECUTED 01/23/18. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20180123.											
46. Employing Department or Agency ED - OFC OF DEPUTY SECRETARY						50. Signature/Authentication and Title of Approving Official 172174898 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES					
47. Agency Code EDEB		48. Personnel Office ID 1306		49. Approval Date 01/25/2018							

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) VIANA, JOSE A.					2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 04/24/2017						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code 146		5-B. Nature of Action SES NON-CAREER APPT			6-A. Code		6-B. Nature of Action								
5-C. Code V4L		5-D. Legal Authority 5 U.S.C. 3394(A) NONCAREER			6-C. Code		6-D. Legal Authority								
5-E. Code AWM		5-F. Legal Authority 17			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number ASST DEP SEC AND DIR, OESE OFC OF ENGLISH LANGUAGE AND ACQUISITI ES ES00518										
8. Pay Plan ES		9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary		13. Pay Basis	16. Pay Plan ES		17. Occ. Code 0301	18. Grade or Level 00	19. Step or Rate 00	20. Total Salary/Award 124406		21. Pay Basis PA
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay 124406		20B. Locality Adj. 0		20C. Adj. Basic Pay 124406		20D. Other Pay 0	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFC OF EL & SEC ED  WASHINGTON,DC										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%					24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
27. FEGLI C0 (b)(6)					28. Annuitant Indicator 9 NOT APPLICABLE					29. Pay Rate Determinant 0					
30. Retirement Plan KF (b)(6)					31. Service Comp. Date (Leave) 04/24/2017			32. Work Schedule F FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>															
34. Position Occupied 3 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved					35. FLSA Category E E - Exempt N - Nonexempt			36. Appropriation Code				37. Bargaining Unit Status 8888			
38. Duty Station Code 11-0010-001					39. Duty Station (City - County - State or Overseas Location) WASHINGTON,DISTRICT OF COLUMBIA										
40. Agency Data FUNC CLS 00		41. VET STAT X		42. EDUC LVL 17		43. SUPV STAT 2		44. POSITION SENSITIVITY HIGH RISK							
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 04/24/17. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20170424. FROZEN SERVICE NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.															
46. Employing Department or Agency ED - OFC OF ELEM/SEC EDUC					50. Signature/Authentication and Title of Approving Official 170684867 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES										
47. Agency Code EDES		48. Personnel Office ID 1306		49. Approval Date 04/28/2017											



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) WEBSTER, DOUGLAS					2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date 01/09/2018						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code 170		5-B. Nature of Action EXC APPT			6-A. Code		6-B. Nature of Action								
5-C. Code ZNM		5-D. Legal Authority 20 U.S.C. 3412			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number CHIEF FINANCIAL OFFICER  EL EX00023										
8. Pay Plan EX	9. Occ. Code 0501	10. Grade or Level 04	11. Step or Rate 00	12. Total Salary 155500	13. Pay Basis PA	16. Pay Plan EX	17. Occ. Code 0501	18. Grade or Level 04	19. Step or Rate 00	20. Total Salary/Award 155500	21. Pay Basis PA				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay 155500		20B. Locality Adj. 0		20C. Adj. Basic Pay 155500		20D. Other Pay 0	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization OFC OF CHF FINCL OFCR  WASHINGTON,DC										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%					24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
27. FEGLI C0 (b)(6)					28. Annuitant Indicator 9 NOT APPLICABLE					29. Pay Rate Determinant T					
30. Retirement Plan KF (b)(6)					31. Service Comp. Date (Leave) 04/07/2003			32. Work Schedule F FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>															
34. Position Occupied 2 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved					35. FLSA Category E E - Exempt N - Nonexempt			36. Appropriation Code			37. Bargaining Unit Status 8888				
38. Duty Station Code 11-0010-001					39. Duty Station (City - County - State or Overseas Location) WASHINGTON, DISTRICT OF COLUMBIA										
40. Agency Data FUNC CLS 00		41. VET STAT X		42. EDUC LVL 04		43. SUPV STAT 2		44. POSITION SENSITIVITY CRITICAL-SENSITIVE							
45. Remarks APPOINTMENT AFFIDAVIT EXECUTED 01/09/18. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. FROZEN SERVICE NONE DATE OF NOMINATION: 11/01/2017 DATE OF SENATE CONFIRMATION: 12/21/2018 DATE OF ATTESTATION: 01/04/2018															
46. Employing Department or Agency ED - OFC OF CHF FIN OFFICER					50. Signature/Authentication and Title of Approving Official 180311463 / ELECTRONICALLY SIGNED BY: CASSANDRA CUFFEE-GRAVES										
47. Agency Code EDEL		48. Personnel Office ID 1306		49. Approval Date 01/18/2018											

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>WOODWORTH MR, JAMES LYNN</b>					2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>03/18/2018</b>						
<b>FIRST ACTION</b>					<b>SECOND ACTION</b>										
5-A. Code <b>171</b>		5-B. Nature of Action <b>EXC APPT NTE 06-21-24</b>			6-A. Code		6-B. Nature of Action								
5-C. Code <b>ZKM</b>		5-D. Legal Authority <b>20 U.S. CODE 9517</b>			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number					15. TO: Position Title and Number <b>COMMISSIONER OF EDUCATION STATISTICS</b>  <b>ERN EX00025</b>										
8. Pay Plan <b>EX</b>	9. Occ. Code <b>0301</b>	10. Grade or Level <b>00</b>	11. Step or Rate <b>00</b>	12. Total Salary <b>155500</b>	13. Pay Basis <b>PA</b>	16. Pay Plan <b>EX</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>00</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>155500</b>	21. Pay Basis <b>PA</b>				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>155500</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>155500</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization <b>INSTITUTE OF EDUCATION SCIENCES</b> <b>NATL CENTER FOR ED STATISTICS</b>  <b>WASHINGTON,DC</b>										
<b>EMPLOYEE DATA</b>															
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
27. FECA <b>C0</b> (b)(6)					28. Annuitant Indicator <b>9</b> NOT APPLICABLE			29. Pay Rate Determinant <b>T</b>							
30. Retirement Plan <b>KF</b> (b)(6)					31. Service Comp. Date (Leave) <b>03/18/2018</b>			32. Work Schedule <b>F</b> FULL-TIME			33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>															
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved					35. FLSA Category <b>E</b> E - Exempt N - Nonexempt			36. Appropriation Code			37. Bargaining Unit Status <b>8888</b>				
38. Duty Station Code <b>11-0010-001</b>					39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>										
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY CRITICAL-SENSITIVE</b>							
45. Remarks APPOINTMENT AFFIDAVIT EXECUTED 03/19/18. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT. REASON FOR TEMPORARY APPOINTMENT TO SERVE ON AN EXCEPTED APPOINTMENT AT THE PLEASURE OF THE PRESIDENT, AS THE COMMISSIONER OF EDUCATION STATISTICS WITHIN THE INSTITUTE OF EDUCATION SCIENCES. EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. FROZEN SERVICE NONE															
46. Employing Department or Agency <b>ED - INST OF EDUCATION SVCS</b>					50. Signature/Authentication and Title of Approving Official <b>180365613 / ELECTRONICALLY SIGNED BY:</b>  <b>CASSANDRA CUFFEE-GRAVES</b>										
47. Agency Code <b>EDER</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>03/22/2018</b>											

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>WOOTEN, MICHAEL ERIC</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>10/01/2017</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>146</b>		5-B. Nature of Action <b>SES NON-CAREER APPT</b>		6-A. Code		6-B. Nature of Action					
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>		6-C. Code		6-D. Legal Authority					
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM APPROVED 1652 9/11/17</b>		6-E. Code		6-F. Legal Authority					
7. FROM: Position Title and Number				15. TO: Position Title and Number <b>DEPUTY ASSISTANT SECRETARY OFFICE OF CAREER TECH &amp; ADULT EDU EV ES00076</b>							
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan <b>ES</b>	17. Occ. Code <b>0301</b>	18. Grade or Level <b>00</b>	19. Step or Rate <b>00</b>	20. Total Salary/Award <b>170000</b>	21. Pay Basis <b>PA</b>
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay <b>170000</b>		20B. Locality Adj. <b>0</b>	
								20C. Adj. Basic Pay <b>170000</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization				22. Name and Location of Position's Organization <b>OFC OF CAREER, TECHNICAL, &amp; ADULT ED</b>  <b>WASHINGTON,DC</b>							
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%				24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>	
27. FEGLI <b>C0</b> (b)(6)				28. Annuitant Indicator <b>9</b> NOT APPLICABLE				29. Pay Rate Determinant <b>0</b>			
30. Retirement Plan <b>KF</b> (b)(6)				31. Service Comp. Date (Leave) <b>10/01/2017</b>		32. Work Schedule <b>F</b> FULL-TIME		33. Part-Time Hours Per Biweekly Pay Period			
<b>POSITION DATA</b>											
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY CRITICAL-SENSITIVE</b>			
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 10/01/27. SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20171001. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.											
46. Employing Department or Agency <b>ED - OCTAE</b>						50. Signature/Authentication and Title of Approving Official <b>171181966 / ELECTRONICALLY SIGNED BY:</b> <b>CASSANDRA CUFFEE-GRAVES</b>					
47. Agency Code <b>EDEV</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>10/04/2017</b>							



## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>ZAIS, MITCHELL MCGEEVER</b>				2. Social Security Number <b>(b)(6)</b>		3. Date of Birth		4. Effective Date <b>04/01/2018</b>			
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>							
5-A. Code <b>146</b>		5-B. Nature of Action <b>SES NON-CAREER APPT</b>				6-A. Code		6-B. Nature of Action			
5-C. Code <b>V4L</b>		5-D. Legal Authority <b>5 U.S.C. 3394(A) NONCAREER</b>				6-C. Code		6-D. Legal Authority			
5-E. Code <b>AWM</b>		5-F. Legal Authority <b>OPM FORM 1652 DATED 03/29/18</b>				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number						15. TO: Position Title and Number <b>SENIOR ADVISOR TO THE SECRETARY</b>  <b>EA ES00401</b>					
8. Pay Plan <b>ES</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>00</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>179700</b>		21. Pay Basis <b>PA</b>	
12A. Basic Pay <b>179700</b>		12B. Locality Adj. <b>0</b>		12C. Adj. Basic Pay <b>179700</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>179700</b>		20D. Other Pay <b>0</b>	
14. Name and Location of Position's Organization						22. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>					
<b>EMPLOYEE DATA</b>											
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%						24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF <b>YES X NO</b>	
27. FEGLI <b>C0</b> <b>(b)(6)</b>						28. Annuitant Indicator <b>9 NOT APPLICABLE</b>				29. Pay Rate Determinant <b>0</b>	
30. Retirement Plan <b>KF</b> <b>(b)(6)</b>						31. Service Comp. Date (Leave) <b>04/01/2018</b>		32. Work Schedule <b>F FULL-TIME</b>		33. Part-Time Hours Per Biweekly Pay Period	
<b>POSITION DATA</b>											
34. Position Occupied <b>3</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved				35. FLSA Category <b>E</b> E - Exempt N - Nonexempt		36. Appropriation Code				37. Bargaining Unit Status <b>8888</b>	
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>							
40. Agency Data <b>FUNC CLS 00</b>		41. <b>VET STAT X</b>		42. <b>EDUC LVL 04</b>		43. <b>SUPV STAT 2</b>		44. <b>POSITION SENSITIVITY HIGH RISK</b>			
45. Remarks TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE. CREDITABLE MILITARY SERVICE: NONE PREVIOUS RETIREMENT COVERAGE: NEVER COVERED APPOINTMENT AFFIDAVIT EXECUTED 04/02/18. EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C) EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. FROZEN SERVICE NONE											
46. Employing Department or Agency <b>ED - IMMEDIATE OF OF SECY</b>						50. Signature/Authentication and Title of Approving Official <b>180621568 / ELECTRONICALLY SIGNED BY:</b>  <b>CASSANDRA CUFFEE-GRAVES</b>					
47. Agency Code <b>EDEA</b>		48. Personnel Office ID <b>1306</b>		49. Approval Date <b>04/05/2018</b>							

## NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) <b>ZAIS, MITCHELL MCGEEVER</b>				2. Social Security Number (b)(6)		3. Date of Birth		4. Effective Date <b>05/18/2018</b>																					
<b>FIRST ACTION</b>				<b>SECOND ACTION</b>																									
5-A. Code <b>570</b>		5-B. Nature of Action <b>CONV TO EXC APPT</b>				6-A. Code		6-B. Nature of Action																					
5-C. Code <b>ZNM</b>		5-D. Legal Authority <b>20 U.S.C. 3412</b>				6-C. Code		6-D. Legal Authority																					
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority																					
7. FROM: Position Title and Number <b>SENIOR ADVISOR TO THE SECRETARY</b>  <b>EA ES00401</b>						15. TO: Position Title and Number <b>DEPUTY SECRETARY</b> <b>OFFICE OF THE DEPUTY SECRETARY</b>  <b>EB EX00019</b>																							
8. Pay Plan <b>ES</b>		9. Occ. Code <b>0301</b>		10. Grade or Level <b>00</b>		11. Step or Rate <b>00</b>		12. Total Salary <b>179700</b>		13. Pay Basis <b>PA</b>		16. Pay Plan <b>EX</b>		17. Occ. Code <b>0301</b>		18. Grade or Level <b>02</b>		19. Step or Rate <b>00</b>		20. Total Salary/Award <b>179700</b>		21. Pay Basis <b>PA</b>							
12A. Basic Pay <b>179700</b>		12B. Locality Adj. <b>0</b>		12C. Adj. Basic Pay <b>179700</b>		12D. Other Pay <b>0</b>		20A. Basic Pay <b>179700</b>		20B. Locality Adj. <b>0</b>		20C. Adj. Basic Pay <b>179700</b>		20D. Other Pay <b>0</b>															
14. Name and Location of Position's Organization <b>OFFICE OF THE SECRETARY</b>  <b>WASHINGTON,DC</b>						22. Name and Location of Position's Organization <b>OFC OF THE DEPUTY SECRETARY</b>  <b>WASHINGTON,DC</b>																							
<b>EMPLOYEE DATA</b>																													
23. Veterans Preference <b>1</b> 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%												24. Tenure <b>0</b> 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				25. Agency Use		26. Veterans Preference for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO											
27. FEGLI <b>C0</b> (b)(6)												28. Annuitant Indicator <b>9</b> NOT APPLICABLE						29. Pay Rate Determinant <b>T</b>											
30. Retirement Plan <b>KF</b> (b)(6)						31. Service Comp. Date (Leave) <b>04/01/2018</b>						32. Work Schedule <b>F</b> FULL-TIME						33. Part-Time Hours Per Biweekly Pay Period											
<b>POSITION DATA</b>																													
34. Position Occupied <b>2</b> 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved												35. FLSA Category <b>E</b> E - Exempt N - Nonexempt				36. Appropriation Code						37. Bargaining Unit Status <b>8888</b>							
38. Duty Station Code <b>11-0010-001</b>												39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON,DISTRICT OF COLUMBIA</b>																	
40. Agency Data <b>FUNC CLS 00</b>				41. <b>VET STAT X</b>				42. <b>EDUC LVL 04</b>				43. <b>SUPV STAT 2</b>				44. <b>POSITION SENSITIVITY HIGH RISK</b>													
45. Remarks CREDITABLE MILITARY SERVICE: NONE EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED FROZEN SERVICE NONE NOMINATED BY THE PRESIDENT ON 01/08/2018 CONFIRMED BY THE SENATE ON 05/16/2018 ATTESTED BY THE PRESIDENT ON 05/17/2018.																													
46. Employing Department or Agency <b>ED - OFC OF DEPUTY SECRETARY</b>												50. Signature/Authentication and Title of Approving Official <b>180956391 / ELECTRONICALLY SIGNED BY:</b>																	
47. Agency Code <b>EDEB</b>				48. Personnel Office ID <b>1306</b>				49. Approval Date <b>05/24/2018</b>				A. <b>BIANCA GREEN</b>																	



UNITED STATES DEPARTMENT OF EDUCATION

September 25, 2018

Austin Evers  
American Oversight  
1030 15th Street  
Suite B255  
Washington, DC 20002

RE: FOIA Request No. 18-00530-F

Dear Mr. Evers:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 28, 2017 and received in this office on November 30, 2017. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request.

You requested the following:

1. Records sufficient to identify all employees who entered into a position at the agency as “political appointees” since April 12, 2017 and the title or position of each employee (to the extent that such individuals have held multiple titles or positions since April 12, 2017 identify each title or position). For purposes of this request, please consider any employee in a PAS position, a presidentially-appointed position, a non-career SES position, a Schedule C position, or any administratively-determined position to be a “political appointee.”
2. Records sufficient to identify all career employees who have been detailed into a leadership office or component front office since April 12, 2017; the title or position of each employee while on detail; and each employee’s originating agency or component, and prior title (to the extent that such individuals have held multiple titles or positions since April 12, 2017, identify each title or position).
3. Names and resumes of anyone from the transition teams or beachhead teams who have joined the agency in full-time capacity, either as career, political, or administratively determined positions since April 12, 2017. For the purposes of this request, please include any employee who previously had a temporary or provisional appointment at ED before April 12, 2017, and took on a permanent appoint after that date.

For each individual identified in response to requests 1 to 3:

- a. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or, if that is not available, a recent resume contained within the agency’s records. We have no objection to the redaction of contact information (addresses, telephone numbers, e-mail addresses)



for the employee or references, or to the redaction of past salary information. Employment, education, and professional association information is not exempt and we object to any redactions of such information.

- b. Any conflicts or ethics waivers or authorizations for the individual, including authorizations pursuant to 5 C.F.R. § 2635.502.
- c. Records reflecting any recusal determination made or issued for the individual.
- d. Copies of any SF-50 forms for the individual reflecting any change in position or title, including when the employee enters or leaves a position. We have no objection to the redaction of home addresses, telephone numbers, or social security numbers from the SF-50s.

Attached to this e-mail are 73 pages of records responsive to item 4(c) of your request. However, certain information has been withheld according to FOIA Exemptions 3 and 6, specified below:

- Records or portions of records relating to various non-disclosure provisions that are contained in other federal statutes are exempt from disclosure pursuant to 5 U.S.C. §552 (b)(3) of the FOIA. This exemption authorizes an agency to withhold information that is specifically exempted from disclosure by other federal statutes.
- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.
- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Because this request is currently in litigation, if you have any questions regarding this response, please contact AUSA Jeremy Simon at [Jeremy.simon@usdoj.gov](mailto:Jeremy.simon@usdoj.gov).

Sincerely,

/s/

Jill Siegelbaum  
Staff Attorney

Enclosure

## Rowell, Theresa

---

**From:** Rowell, Theresa  
**Sent:** Monday, September 25, 2017 7:39 PM  
**To:** Kissel, Adam  
**Subject:** RE: Public Financial Disclosure Report

**Sensitivity:** Confidential

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Kissel, Adam	Read: 9/25/2017 7:50 PM

Hi, Adam,

I have finalized your report and just made the following technical changes:

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

Also, I checked with the Office of Government Ethics and they confirmed that (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) would be deemed a former client and therefore they fall within the Pledge. Hence, because they are deemed a former client, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which (b)(3) is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties.

Let me know if you have any questions. Thanks,

*Theresa A. Rowell*  
General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division  
400 Maryland Avenue, S.W.  
LBJ - 6E110  
Washington, D.C. 20202  
Tel: (202) 401-6284  
Fax: (202) 260-5104

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## Rowell, Theresa

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**From:** Rowell, Theresa  
**Sent:** Friday, August 18, 2017 7:14 PM  
**To:** Kissel, Adam  
**Subject:** RE: Ethics Guidance

**Sensitivity:** Confidential

Tracking:	Recipient	Read
	Kissel, Adam	Read: 8/19/2017 9:00 AM

Mr. Kissel,

Based on my initial review of your New Entrant Public Financial Disclosure Report, I want to offer you the following ethics guidance:

### Ethics Pledge

As a Federal employee subject to the terms of Executive Order 13770 (1/28/17), and the Ethics Pledge, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment, June 19, 2017, and does not include any State or local government, or any discrete, short-term engagements, including certain de minimis consulting activities. The disqualification applies to the following organizations:

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

### Stock Holdings

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

I am writing to give you general advice on how the conflict of interest statute applies to stock holdings.

Under the conflict of interest statute at 18 U.S.C. § 208, you are disqualified from participating personally and substantially in a particular matter that has a direct and predictable effect on your financial interests in entities resulting from you, your spouse's, and your minor child's ownership of stock in the entities. This applies to particular matters of general applicability as well as those involving specific parties. However, a regulatory exemption allows you to participate in any particular matter involving specific parties in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). Another regulatory exemption allows you to participate in any particular matter of general applicability, such as rulemaking, in which the disqualifying financial interest arises from the



ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed (a) \$25,000 in any one such entity; and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

As an example of “specific parties” in a “particular matter”: an employee of OCIO has been asked to sit on a panel to review proposals for a new firewall security system. An OCIO employee and his spouse own publicly-traded stock in two companies that have submitted proposals: \$7,000 worth in LMN company and \$3,000 worth in QRS company. The award of the contract to either LMN company or QRS company would have a direct and predictable effect upon the financial interests of the OCIO employee and his wife. However, because the stock of these two companies is publicly traded and the total value is below the \$15,000 cap, the de minimus exemption applies and the employee would be able to work on this particular matter (the contract) involving specific parties (LMN company and QRS company).

As an example of “matters of general applicability”: if the OCIO employee and his spouse own stock in a particular company which exceeds \$25,000, or the value of the stock for a specific sector of companies (e.g., all banks), which exceeds \$50,000, the OCIO employee would be prohibited from participating in “matters of general applicability” that could affect the financial interests of the company or companies in which he owns stock. See 5 CFR § 2640.202(c). By way of further example, the OCIO employee would be prohibited from drafting regulations that would affect the interest rates that banks can charge on student loans (a matter of general applicability) if the employee owns more than \$25,000 worth of stock in a bank that provides student loans, or owns over \$50,000 worth of stock in the banking industry, in general, and those banks who provide student loans.

To effectively rely on these exemptions, you must monitor the value of your financial interests. If the aggregate value of the financial interest increases and exceeds the de minimus threshold, you must not participate in any such particular matter.

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

**Note** that because the guidance is preliminary, it may be updated depending on any changes/additions that are made to your report. If you have any questions, feel free to reach out. Thanks,

*Theresa A. Rowell*  
General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division  
400 Maryland Avenue, S.W.  
LBJ - 6E110  
Washington, D.C. 20202  
Tel: (202) 401-6284  
Fax: (202) 260-5104

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## Rowell, Theresa

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**From:** Rowell, Theresa  
**Sent:** Friday, June 08, 2018 6:35 PM  
**To:** Holifield, Johnathan  
**Subject:** RE: Re: Public Financial Disclosure Report - replies in red

Tracking:	Recipient	Read
	Holifield, Johnathan	Read: 6/8/2018 6:46 PM

Johnathan,

I have completed my review of your report. Your report is now certified. Based on your additional responses, I just want to update the ethics guidance that you received previously. I've included Forward Communities as a disqualification under the ethics pledge.

### Ethics Pledge

As a Federal employee subject to the terms of Executive Order 13770 (1/28/17), and the Ethics Pledge, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment, October 1, 2017, and does not include any State or local government, or any discrete, short-term engagements, including certain de minimis consulting activities. The disqualification applies to the following organizations:

(b)(3):5 U.S.C. app. section 105,(b)  
(3):5 U.S.C. app section 107(a),(b)  
(6)

Let me know if you have any questions. Thanks,

***Theresa A. Rowell***  
General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division  
400 Maryland Avenue, S.W.  
LBJ - 6E110  
Washington, D.C. 20202  
Tel: (202) 401-6284  
Fax: (202) 260-5093

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## Rowell, Theresa

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**From:** Rowell, Theresa  
**Sent:** Monday, February 05, 2018 7:34 PM  
**To:** Holifield, Johnathan  
**Subject:** Re: Ethics Guidance

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Holifield, Johnathan	Read: 2/5/2018 7:35 PM

Johnathan,

Based on my initial review of your New Entrant Public Financial Disclosure Report, I want to offer you the following ethics guidance:

### Ethics Pledge

As a Federal employee subject to the terms of Executive Order 13770 (1/28/17), and the Ethics Pledge, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment, October 1, 2017, and does not include any State or local government, or any discrete, short-term engagements, including certain de minimis consulting activities. The disqualification applies to the following organizations (additional entities may be added based on your responses to my questions that I sent you under separate cover):

(b)(3):5 U.S.C. app. section 105,(b)  
(3):5 U.S.C. app section 107(a),(b)(6)

### Spousal Disqualification

In reviewing your financial disclosure report I note that your spouse is employed by (b)(3):5 U.S.C. app. section 105,(b)(3):5. Please keep in mind that, pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter that has a direct and predictable effect on your spouse's compensation or employment with (b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S. unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption under 18 U.S.C. § 208(b)(2). This prohibition applies to matters involving specific parties (e.g., contracts, grants, investigations), as well as matters of general applicability (e.g., regulatory rulemaking). Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in any particular matter involving specific parties in which (b)(3):5 U.S.C. app. s is, or represents, a party, unless you first obtain an authorization pursuant to 5 C.F.R. § 2635.502(d). As a practical matter this means that you are prohibited from working on any Department matters involving or related to (b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S.C. app. section 107 unless you talk to the Ethics Division first.

### Stock Holdings



I am writing to give you general advice on how the conflict of interest statute applies to stock holdings.

Under the conflict of interest statute at 18 U.S.C. § 208, you are disqualified from participating personally and substantially in a particular matter that has a direct and predictable effect on your financial interests in entities resulting from you, your spouse's, and your minor child's ownership of stock in the entities. This applies to particular matters of general applicability as well as those involving specific parties. However, a regulatory exemption allows you to participate in any particular matter involving specific parties in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). Another regulatory exemption allows you to participate in any particular matter of general applicability, such as rulemaking, in which the disqualifying financial interest arises from the ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed (a) \$25,000 in any one such entity; and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

As an example of "specific parties" in a "particular matter": an employee of OCIO has been asked to sit on a panel to review proposals for a new firewall security system. An OCIO employee and his spouse own publicly-traded stock in two companies that have submitted proposals: \$7,000 worth in LMN company and \$3,000 worth in QRS company. The award of the contract to either LMN company or QRS company would have a direct and predictable effect upon the financial interests of the OCIO employee and his wife. However, because the stock of these two companies is publicly traded and the total value is below the \$15,000 cap, the de minimus exemption applies and the employee would be able to work on this particular matter (the contract) involving specific parties (LMN company and QRS company).

As an example of "matters of general applicability": if the OCIO employee and his spouse own stock in a particular company which exceeds \$25,000, or the value of the stock for a specific sector of companies (e.g., all banks), which exceeds \$50,000, the OCIO employee would be prohibited from participating in "matters of general applicability" that could affect the financial interests of the company or companies in which he owns stock. See 5 CFR § 2640.202(c). By way of further example, the OCIO employee would be prohibited from drafting regulations that would affect the interest rates that banks can charge on student loans (a matter of general applicability) if the employee owns more than \$25,000 worth of stock in a bank that provides student loans, or owns over \$50,000 worth of stock in the banking industry, in general, and those banks who provide student loans.

To effectively rely on these exemptions, you must monitor the value of your financial interests. If the aggregate value of the financial interest increases and exceeds the de minimus threshold, you must not participate in any such particular matter.

**Note** that because the guidance is preliminary, it may be updated depending on any changes/additions that are made to your report. If you have any questions, feel free to reach out. Thanks,

*Theresa A. Rowell*  
General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division

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**Goodridge, Marcella**

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**From:** Young, Leslie  
**Sent:** Monday, February 26, 2018 11:54 AM  
**To:** Talbert, Kent  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

Ok. Thanks.

---

**From:** Talbert, Kent  
**Sent:** Monday, February 26, 2018 11:53 AM  
**To:** Young, Leslie  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

At the present. Will post you if things change.

Kent

---

**From:** Young, Leslie  
**Sent:** Monday, February 26, 2018 11:52 AM  
**To:** Talbert, Kent  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

Are recused from GE and BD matters?

---

**From:** Talbert, Kent  
**Sent:** Monday, February 26, 2018 11:48 AM  
**To:** Young, Leslie  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

I am recused from GE at the present and so should not receive these emails. Thanks and please let me know if questions.

Kent

---

**From:** Young, Leslie  
**Sent:** Monday, February 26, 2018 11:16 AM  
**To:** Talbert, Kent  
**Subject:** FW: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

See below for details. Thanks.



**From:** Young, Leslie

**Sent:** Monday, February 26, 2018 10:55 AM

**To:** Lee, Ebony; Houser, Jim; OUS; Sheehan, Richard; Johnson, Sandra; Warner, Julie; Siegel, Brian; Malawer, Hilary; Michael, Heidi; Honeysett, Adam; Anderson, Margo; Galiatsos, Ann Margaret; Sepulveda, Anthony; Escalante, Melissa; Hodel, Hannah; Campbell, Ellen; IC DocketMgr; Munier, Craig; Hammond, Cynthia; Butler, Connie; March, Greg; Reid, Hugh; Betka, Sue; Howard, Pat

**Cc:** Cunningham, Phavy; Conaty, Joe; Miller, Meredith; Hill, Paula; Cooke, Geneise; Bolden, Betty; Stanton, Craig; Simpson, Daniel; Bell-Ellwanger, Jenn; Saunders, Azilea; McFadden, Elizabeth; Amann, Amanda; Hester, Allison; Petersen, Molly; Nekrasz, Jeffrey; Devine, Katherine; Dyson, Geraldine; Anand, Supreet; Lieth, Anna; Mullan, Kate; Faiella, Matt; Scott, Nikisha; Goetz, Braden; Cahalan, Teresa; Mullan, Kate; Smith, Kathleen; Manning, James; Eitel, Robert; Botel, Jason; Weisman, Annmarie; McLarnon, Gail; Mahaffie, Lynn; Sanders, P.J.; GE17User; Filter, Scott

**Subject:** Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

All,

(b)(5)

**CLEARANCE:** (Check one or more of the following that apply.)

Reviewer Name(s):

Office:

A. ☐ Clears the document as written

B. ☐ Comments on the document in the office's unique area of responsibility that must be addressed.

C. ☐ Comments on the document to improve the document's quality, clarity, and integrity.

Other:

D. ☐ Declines review/not going to review this document.

E. ☐ Defers to: (name of office) on this document.

Other Comments:

**Goodridge, Marcella**

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**From:** Talbert, Kent  
**Sent:** Monday, February 12, 2018 6:54 PM  
**To:** Tighe, Kathleen S.  
**Cc:** McGinnis, Colleen; Holland, Linda; Howard, Pat; Bruce, Sandra; Sorensen, Howard; Venable, Joshua; Conaty, Joe; Goodridge, Marcella; Manning, James  
**Subject:** RE: SSA Information Exchange

Kathleen,

After being cc'd on the memorandum, I conferred in recent days with ED's Office of Ethics.

I am recused from this borrower defense matter.

I have asked Joe Conaty to serve as the cc contact in ODS which he has agreed to do.

Thank you.

Kent Talbert

---

**From:** Tighe, Kathleen S.  
**Sent:** Tuesday, February 06, 2018 3:49 PM  
**To:** Manning, James  
**Cc:** Talbert, Kent; McGinnis, Colleen; Holland, Linda; Howard, Pat; Bruce, Sandra; Sorensen, Howard  
**Subject:** SSA Information Exchange

Hi, Jim – please see the attached. If you have any questions, please let me know. Kathy

## Goodridge, Marcella

---

**From:** Goodridge, Marcella  
**Sent:** Monday, March 19, 2018 9:19 AM  
**To:** Richey, Kimberly  
**Subject:** RE: Invitation: NAFIS Spring Conference — URGENT

You are most welcome.

Marcella

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**From:** Richey, Kimberly  
**Sent:** Monday, March 19, 2018 9:18 AM  
**To:** Goodridge, Marcella  
**Subject:** Re: Invitation: NAFIS Spring Conference — URGENT

Thank you so much for getting back to me so quickly, Marcella!

FYI- I'm skipping the luncheon; will only be at the conference for 30 mins.  
Thank you again— SO much.

Kim

Sent from my iPhone

On Mar 19, 2018, at 9:15 AM, Goodridge, Marcella <[Marcella.Keiller@ed.gov](mailto:Marcella.Keiller@ed.gov)> wrote:

Thanks Kim.

I understand that NAFIS stands for "National Association of Federally Impacted Schools" which is "a non-profit, non-partisan corporation of school districts from throughout the United States, organized primarily to educate Congress on the importance of Impact Aid." <https://www.nafisdc.org/about>.

As you already know, you are not subject to a disqualification related to NAFIS. While you are subject to a disqualification under the Ethics Pledge from specific party matters involving (b)(3) U.S.C., it does not appear as if (b)(3) U.S.C. is co-hosting this conference such that the disqualification would come into play. It may be possible that some members of (b)(3) U.S.C. may be in the audience at the conference. However, there is an exemption under the Ethics Pledge which allows you to participate in matters involving your former employer, (b)(3) U.S.C. if two conditions are met: (1) the topic of discussion for the meeting qualifies as a particular matter of general applicability; and (2) there will be a diversity of stakeholders present at the meeting. As to the second condition, a conference event usually meets this criteria. As to the first condition, I am assuming that your presentation will be general. Meaning, your discussion will be broad in topic/scope, and NOT anything specific to any one issue or any of the parties in attendance at the conference. Regarding the Supreme Court case, since you are attending in your official capacity, you will be presenting the Department's position and guidance. I do not see an ethics issue that would prevent you from doing so.



I am also assuming there may a gift associated with you speaking at this conference. At a minimum, it may be a meal. If you choose to have the meal, it would not be considered a gift under 5 C.F.R. § 2635.204(b)(8). If you suspect that you will be presented with something in addition to a meal (i.e., plaque to certificate as a token of appreciation), please let me know as soon as possible. FYI - Neither NAFIS nor Jocelyn Bissonnette appeared in the Senate or House databases a Federally registered lobbyists. Political appointees are prohibited from accepting gifts from Federally registered lobbyists under the Ethics Pledge.

In sum, the ethics rules would not preclude you from speaking at this event in your official capacity. If you have any additional questions or concerns, please let me know.

Marcella

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**From:** Richey, Kimberly  
**Sent:** Monday, March 19, 2018 8:43 AM  
**To:** Goodridge, Marcella  
**Subject:** RE: Invitation: NAFIS Spring Conference — URGENT

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(5),(b)(6)

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**From:** Goodridge, Marcella  
**Sent:** Monday, March 19, 2018 8:41 AM  
**To:** Richey, Kimberly  
**Subject:** RE: Invitation: NAFIS Spring Conference — URGENT

Hi Kim,

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(5),(b)(6)

Marcella

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**From:** Richey, Kimberly  
**Sent:** Monday, March 19, 2018 6:46 AM  
**To:** Goodridge, Marcella  
**Subject:** Fwd: Invitation: NAFIS Spring Conference — URGENT

## Goodridge, Marcella

---

**From:** Jones, Diane  
**Sent:** Wednesday, July 11, 2018 7:58 PM  
**To:** Goodridge, Marcella  
**Subject:** RE: Additional Disqualification

Thanks, Marcella.

---

**From:** Goodridge, Marcella  
**Sent:** Wednesday, July 11, 2018 7:57 PM  
**To:** Jones, Diane  
**Subject:** RE: Additional Disqualification

Thanks Diane. As a result, the Ethics Pledge disqualifies you from working on Department matters involving (b)(3);5 U.S.C. through November 2019. If you have any issues or concerns with this disqualification, please let me know.

Marcella

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**From:** Jones, Diane  
**Sent:** Wednesday, July 11, 2018 7:55 PM  
**To:** Goodridge, Marcella  
**Subject:** RE: Additional Disqualification

Hi Marcella  
(b)(3);5 U.S.C. app. section 105;(b)(3);5 U.S.C. app section 107(a),(b)(5),(b)(6)

Diane

---

**From:** Goodridge, Marcella  
**Sent:** Wednesday, July 11, 2018 7:36 PM  
**To:** Jones, Diane  
**Subject:** Additional Disqualification

Hi Diane.

I hope you are doing well.

(b)(3);5 U.S.C. app. section 105;(b)(3);5 U.S.C. app section 107(a),(b)(5),(b)(6)

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(5), (b)(6)

Marcella

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**From:** Jones, Diane  
**Sent:** Thursday, May 24, 2018 8:55 AM  
**To:** Goodridge, Marcella  
**Subject:** RE: Ethics advice needed

Hi Marcella

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(5), (b)(6)

Please advise.  
Diane

**From:** Goodridge, Marcella  
**Sent:** Thursday, May 24, 2018 8:52 AM  
**To:** Jones, Diane  
**Subject:** RE: Ethics advice needed

Hi Diane.

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(5), (b)(6)

Marcella

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)

You served as an expert witness in a litigation matter for the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) in November 2017, although your preparations to serve as an expert witness began before that time. The case for which you served as an expert witness involved (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) which is owned by (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). You have explained that you no longer have any lingering connections with (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) and have been paid in full for your services as an expert witness. This one year period begins on the final date where you provided services to (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). Again, however, although the regulatory disqualification period is one year, the Ethics Pledge extends this disqualification period for an additional year starting with the date of your appointment at Labor. Therefore, the total time period from which you are disqualified from working on specific party matters at the Department where (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) and/or (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) is a party or represents a party is November 13, 2017 through November 13, 2019.

Please note that this disqualification is particularly relevant because you work in OPE. (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) is a non-profit (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)) entity that owns and operates several for-profit institutions of higher education, including (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). I understand (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) filed a lawsuit against the Department in (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) over the Department's



(OPE) decision to

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app section 107(a), (b)(6)

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app section 107(a), (b)(6)

Since this is a specific party matter

pending in OPE, you are disqualified from working on any and all aspects of both the administrative determination(s) and the pending litigation.

Marcella

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**From:** Jones, Diane

**Sent:** Wednesday, May 23, 2018 5:44 PM

**To:** Goodridge, Marcella

**Subject:** Ethics advice needed

Hi Marcella,

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app section 107(a), (b)(5), (b)(6)

Thanks

Diane

Diane Auer Jones

Senior Advisor

Office of Postsecondary Education

U.S. Department of Education

400 Maryland Ave, SW

Washington, DC 20202

202-453-7333

Diane.jones@ed.gov



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

DATE

MEMORANDUM

TO: Betsy DeVos  
Secretary of Education (b)(6)

FROM: Frank Brogan  
Assistant Secretary for Elementary and Secondary Education

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Ethics Agreement I executed on, prior to my confirmation as Assistant Secretary for the Office of Elementary and Secondary Education. This memorandum also incorporates the recusal obligations set forth in the Conflict of Interest Disqualification memorandum sent to me by Marcella Goodridge, Assistant General Counsel for Ethics on July 10, 2018.

For a period of one year from the date of my resignation from the (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6) on September 1, 2017, I will not participate in any particular matter involving specific parties in which the (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6) Education is a party or represents a party if I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in that matter, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d):

In order to help ensure that I do not participate in matters relating to any of the entities listed above, I have taken or will take the following steps:

1. I have instructed Shaina Hilsey, Confidential Assistant for the Office of Elementary and Secondary Education, to screen all matters directed to my attention that involve outside entities that require my participation, to determine if they involve the (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6)
2. If Shaina Hilsey determines that a matter involves the (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6) directly or indirectly, she will refer that matter directly to Jason Botel, Principal Deputy Assistant Secretary for the Office of Elementary and Secondary Education, for action or assignment, without my knowledge or involvement.

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202  
www.ed.gov

*Our mission is to ensure equal access to education and to promote educational excellence throughout the nation.*

3. I will provide Shaina Hilsey and Jason Botel with a copy of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Jason Botel to seek the assistance of an agency ethics official if he is ever uncertain whether or not I may participate in a matter.
4. I will advise my principal subordinates of my recusal obligations and screening arrangement, as set forth in this memorandum. I also will instruct my principal subordinates that all inquiries and comments involving the (b)(3); 5 U.S.C. app. section 105, (b)(3); 5 U.S.C. app. section 107 (a), (b)(6) should be directed to Jason Botel, without my knowledge or involvement.
5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Shaina Hilsey, Jason Botel, and my principal subordinates.

Attachments: Ethics Agreement of and Disqualification Statement of Assistant Secretary Frank Brogan

cc: Office of Government Ethics  
Marcella Goodridge, Designated Agency Ethics Official





UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

July 10, 2018

MEMORANDUM

TO: Frank Brogan  
Assistant Secretary for Elementary and Secondary Education  
(b)(6)

FROM: Marcella Goodridge  
Assistant General Counsel for Ethics

RE: Conflict of Interest Disqualification

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity for which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

For a period of one year from the date of your resignation from the (b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6) on September 1, 2017, you are prohibited from participating personally and substantially in any particular matter involving specific parties in which the (b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6) is a party or represents a party if you determine that a reasonable person with knowledge of the relevant facts would question your impartiality in that matter, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I understand that Shaina Hilsey, Confidential Assistant for the Office of Elementary and Secondary Education, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. If you have questions about this disqualification, please feel free to call me at (202) 401-0496.

cc:  
Shaina Hilsey  
Marcella Goodridge  
Jason Botel

<b>CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE</b> Senate Confirmed Presidential Appointee		
1. Appointee's Information	a. Appointee's Name:	to be completed by OGE <b>Frank T. Brogan</b>
	b. Position Title:	to be completed by OGE <b>Assistant Secretary for Elementary and Secondary Education</b>
	c. Agency:	to be completed by OGE <b>Department of Education</b>
	d. Date Ethics Agreement Signed:	to be completed by OGE <b>December 20, 2017</b>
	e. Date Confirmed:	to be completed by OGE <b>June 25, 2018</b>
	f. Due Date for Certification of Ethics Agreement Compliance:	to be completed by OGE <b>October 2, 2018</b>
2. Resignations	<i>I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.</i>	(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107 (a), (b)(6)
3. Divestitures	a. <i>I have completed all of the divestitures indicated in my ethics agreement. I also understand that I may not repurchase these assets during my appointment without OGE's prior approval.</i>	
	b. <i>I have filed a period transaction report, or periodic transaction reports, (OGE Form 278-T) to disclose the completion of these agreed upon divestitures.</i>	
4. Managed Accounts	<i>If I have a managed account or use the services of an investment professional, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.</i>	
5. Interim Recusals	<i>I complied with my interim recusal obligations pending the divestitures required by my ethics agreement.</i>	

THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE. 1

Frank T. Brogan

<p>6.</p> <p>Recusals</p> <p>(Note: These factual statements describe the appointee's current status. They are not intended to modify ethics agreement commitments or create new recusal obligations.)</p>	<p>a. I am recusing from particular matters in which I know I have a <u>personal</u> or <u>imputed</u> financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption.</p>	<p><input checked="" type="radio"/> Yes    <input type="radio"/> No</p>
	<p>b. I am recusing from particular matters in which any former employer or client I served in the past year is a party or represents a party, unless I have been authorized under 5 C.F.R. § 2635.502(d).</p>	<p><input checked="" type="radio"/> Yes    <input type="radio"/> No    <input type="radio"/> N/A</p>
	<p>c. I am recusing from particular matters in which any former employer or client I served in the two years prior to my appointment is a party or represents a party, unless I have received a waiver under Exec. Order 13770.</p>	<p><input type="radio"/> Yes    <input type="radio"/> No    <input checked="" type="radio"/> N/A</p>
<p>7.</p> <p>Waivers and Authorizations</p>	<p>a. I received a waiver pursuant to 18 U.S.C. § 208.</p> <p>If yes, indicate the date of the waiver and indicate the financial interest covered by the waiver.</p>	<p>(b)(3) 5 U.S.C. app. section 105; (b)(3) 5 U.S.C. app. section 107(a), (b)(6)</p>
	<p>b. I received a waiver pursuant to Executive Order 13770.</p> <p>If yes, indicate the date of the waiver and the subject of the waiver (i.e., applicable paragraph of the ethics pledge, parties, particular matters, specific issue areas, as applicable).</p>	
	<p>c. I received an authorization pursuant to 5 C.F.R. § 2635.502(d).</p> <p>If yes, indicate date of authorization and identify the covered person(s) as to whom you have been authorized (e.g., former employer, former client, spouse's employer, spouse's current client, etc.).</p>	
	<p>d. I received a waiver pursuant to 5 C.F.R. § 2635.503(e).</p> <p>If yes, indicate the date of the waiver and identify the former employer or payer.</p>	

THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE. 2



## Sprague, Marcia

---

**From:** Sprague, Marcia  
**Sent:** Wednesday, January 31, 2018 10:55 AM  
**To:** Brogan, Frank  
**Subject:** Ethics Guidance

**Sensitivity:** Confidential

**Tracking:** Recipient  
Brogan, Frank

**Read**  
Read: 1/31/2018 12:37 PM

Hi Frank --

Hope you are doing well. I just heard that you are assuming the position of Acting Assistant Secretary of the Office of Postsecondary Education (OPE) in addition to your positions as Principal Deputy Assistant Secretary and Acting Assistant Secretary of the Office of Planning, Evaluation, and Policy Development (OPEPD). Given that you will have new duties with this new position, I am writing to remind you of the following ethics guidance. Please note that this ethics guidance is separate from the Ethics Agreement you signed on December 20, 2017 relating to the White House's nomination of you to serve as Assistant Secretary for Elementary and Secondary Education, which advice is applicable in the event you are confirmed to that position.

As required by 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in any particular matter that has a direct and predictable effect on your financial interests or on those of any person whose financial interests are imputed to you under the statute, unless you first obtain a waiver, pursuant to 18 U.S.C. § 208(b)(1) or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to you under the statute: any spouse or minor child of yours; any general partner of a partnership in which you are a limited or general partner; any organization in which you serve as officer, director, trustee, general partner or employee; and any person or organization with which you are negotiating or have an arrangement concerning prospective employment.

Specifically, you confirmed that you resigned from your position with the (b)(3);5 U.S.C. app. section 105, (b)(3);5 U.S.C. app. section 107(a), (b)(6) on September 1, 2017. For a period of one year from that date (through September 1, 2018), you are prohibited from participating personally and substantially in any particular matter involving specific parties in which the (b)(3);5 U.S.C. app. section 105, (b)(3);5 U.S.C. app. section 107(a), (b)(6) is a party or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

While the following guidance may not affect you at this point, I want to remind you of how the ethics laws generally apply to financial interests in stocks and sector funds.

Regarding stock interests, absent application of a regulatory exemption under 18 U.S.C. § 208(b)(2) or a waiver under 18 U.S.C. § 208(b)(1), pursuant to 18 U.S.C. § 208, any U.S. Department of Education (Department) employee is prohibited from participating personally and substantially in an official capacity in any particular matter that would have a direct and predictable effect on the employee's financial interests, which include the financial interests of any entity in which the employee owns stock. This disqualification applies to both particular matters of general applicability (e.g., rulemaking, policy matters, etc.) and particular matters involving specific parties (e.g., grants, contracts, etc.)

Regarding sector funds, if the aggregate value of a Department employee's financial interest in a sector mutual fund that concentrates in any one sector exceeds \$50,000, the employee is prohibited from participating personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of any holdings of the fund that are in the specific sector in which the fund concentrates, unless the employee first obtains a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Example: A U.S. Department of Education employee owns \$65,000 worth of shares in the XYZ Schools Fund, a sector mutual fund invested primarily in for-profit schools. The employee is prohibited from participating in any particular matter having a direct and predictable effect on the financial interests of for-profit schools.

Please let me know if you have any questions regarding this advice.

Thanks,

Marcia

*Marcia Sprague  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Ave., SW  
Room 6E239  
Washington, D.C. 20202  
202-401-0496 (direct line)  
202-401-8309 (ethics)  
[marcia.sprague@ed.gov](mailto:marcia.sprague@ed.gov)  
202-260-5104 (fax)*

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<sup>1</sup> All references to the Pennsylvania State System of Higher Education include, without limitation, the Governor's Roundtable on Higher Education Affordability and the Chancellor's Blog.

## Sprague, Marcia

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**From:** Sprague, Marcia  
**Sent:** Thursday, March 15, 2018 2:18 PM  
**To:** Jones, Diane  
**Subject:** Ethics Guidance

**Sensitivity:** Confidential

**Tracking:** Recipient  
Jones, Diane

**Read**  
Read: 3/15/2018 3:25 PM

Diane –

In writing the paper, you personally provided consulting services to the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6) within the two years before your appointment date at the U.S. Department of Labor. As you know, pursuant to Executive Order 13770 (January 28, 2017) and the ethics pledge you signed, you must not, for a period of two years from the date of your appointment, November 13, 2017, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employer or former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A “former employer” includes any entity for which you have, within the two years prior to the date of your appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A “former client” includes any entity for which you have personally served as agent or consultant in the two years prior to your appointment. In addition to the entities already listed in the ethics guidance you received from Marcella Goodridge on February 28, 2018, you are subject to this two-year disqualification with respect to (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6)

Please let me know if you have questions regarding this guidance.

Marcia

*Marcia Sprague  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Ave., SW  
Room 6E225  
Washington, D.C. 20202  
202-401-0496 (direct line)  
202-401-8309 (ethics)  
marcia.sprague@ed.gov  
202-260-5104 (fax)*

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**From:** Jones, Diane  
**Sent:** Tuesday, March 13, 2018 7:25 AM



## Sprague, Marcia

---

**From:** Sprague, Marcia  
**Sent:** Tuesday, March 28, 2017 2:30 PM  
**To:** Lee, Ebony  
**Subject:** RE: Ethics and Financial Disclosure

**Sensitivity:** Confidential

Hi Ebony –

I am sending this again to change one word in the last line of the second paragraph – changing “would” to “to” (in red below).

Thanks.  
Marcia

---

**From:** Sprague, Marcia  
**Sent:** Tuesday, March 28, 2017 2:13 PM  
**To:** Lee, Ebony  
**Subject:** RE: Ethics and Financial Disclosure  
**Sensitivity:** Confidential

Hi Ebony –

I am getting back to you with ethics guidance relating to your former uncompensated positions as a member of the advisory committee of the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b) a non-profit organization, and of the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) a federal resource center, as follows:

We have determined that your relationships with the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) and with the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) would not be considered former employment pursuant to Executive Order 13770 (January 28, 2017) and your ethics pledge. We have also determined that these relationships would not be considered *covered relationships* under 5 C.F.R. § 2635.502, which, to avoid the appearance of the lack of impartiality, disqualifies you, as a federal employee, from participating personally and substantially in any particular matter in which a person with whom you have a *covered relationship*, is or represents, a party. However, pursuant to 5 C.F.R. §2635.502(a)(2), because we believe that your participating in particular matters in which either of these entities is a party could raise appearance issues, should you become concerned that circumstances arise that raise a question regarding your impartiality and you think that a reasonable person would question that impartiality, you should not participate in that particular matter. Please feel free to contact us for assistance in considering whether a relationship would cause a reasonable person to question your impartiality. 5 C.F.R. §2635.502(a)(1).

Also, for your convenience, I am repeating the earlier advice given to with regard to the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) here. Pursuant to Executive Order 13770 (January 28, 2017), and the ethics pledge you signed, you must not, for a period of two years from the date of your appointment, February 2, 2017, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested

parties. A "former employer" includes any entity for which you have, within the two years prior to the date of your appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as agent or consultant in the two years prior to your appointment. You are subject to this two-year disqualification with respect to the following entity:

(b)(3)5 U.S.C. app. section 105,(b)(3)5 U.S.C.  
app section 107(a),(b)(6)

Please let me know if you have any questions.

Thanks,  
Marcia

*Marcia Sprague*  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Ave., SW  
Room 6E225  
Washington, D.C. 20202  
202-401-0496 (direct line)  
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[marcia.sprague@ed.gov](mailto:marcia.sprague@ed.gov)  
202-260-5104 (fax)

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**From:** Lee, Ebony  
**Sent:** Monday, March 27, 2017 10:26 AM  
**To:** Sprague, Marcia  
**Subject:** RE: Ethics and Financial Disclosure  
**Sensitivity:** Confidential

Okay, I will try to make it around 2:30ish. Thanks for your flexibility!!

---

**From:** Sprague, Marcia  
**Sent:** Monday, March 27, 2017 10:08 AM  
**To:** Lee, Ebony  
**Subject:** RE: Ethics and Financial Disclosure  
**Sensitivity:** Confidential

Ebony --

I normally leave at 2 on Monday but can definitely stay to take care of this at 3. I will need to leave no later than 3:20 to get to a meeting, but I think that should give us enough time.

Thanks.  
Marcia



## Barren, Morris

---

**From:** Barren, Morris  
**Sent:** Friday, May 19, 2017 3:08 PM  
**To:** Riemer, Jeffrey (Justin)  
**Subject:** Ethics Advice

**Importance:** High

Hi Justin,

Thank you for the updates you have made to your Public Financial Disclosure Report (Report) and for speaking yesterday. Though your report is still being reviewed and updated, I provide the following ethics advice based upon the information currently in your report. If needed, I will update this advice once your Report is completed.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

### Stocks

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) Under 18 U.S.C. § 208, you are disqualified from participating personally and substantially, in your official Department capacity, in any particular matter that has a direct and predictable effect on your financial interests, including those of any organization in which you own stock, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

There is an exemption applicable to stock ownership. Specifically, the so-called "de minimis exemption" may provide some relief in different ways. First, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). For example, if the value of your stock holding in (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) exceeded \$15,000, you would need to disqualify yourself from participating in any specific party matter at the Department that could affect this financial interest. For your information, "particular matters involving specific parties" include an application, a lawsuit, a grant, a contract, a claim, a controversy, an investigation, a charge, an accusation, or an arrest. 5 C.F.R. § 2640.102(l).

In addition, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities that are not parties to the matter but that are affected by the matter, if: 1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all affected entities does not exceed \$25,000. 5 C.F.R. § 2640.202(b).

Furthermore the de minimis exemption allows you to participate in *any particular matter of general applicability*, such as a rulemaking or a policy matter, in which the disqualifying financial interest arises from the ownership by you, your



spouse, or your minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

#### Spousal Income

Your spouse is employed with the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6). Pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter before the Department that has a direct and predictable effect on your spouse's compensation or employment with the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6) unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in any particular matter involving specific parties in which (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6) is a party or represents a party, unless you first obtain an authorization pursuant to 5 C.F.R. § 2635.502(d).

#### **Two-Year Ban**

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on February 13, 2017, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with respect to the following entities:**

- (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6)
- 
- 

Please let me know if you have any questions.

**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

June 20, 2018

MEMORANDUM

TO: Carlos Genaro Muniz  
General Counsel

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on June 12, 2017 is attached to this disqualification.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to the following organizations:

- (b)(3); 5 U.S.C. app. section 105.(b)
- (3); 5 U.S.C. app section 107(a),(b)
- (6)

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)

[Redacted]

Additionally, you personally provided services to the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) while you were employed with (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). For a period of one year after you last provided services to the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) you are prohibited from participating personally and substantially in any particular matter involving specific parties in which you know the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) is a party or represents a party, unless you are first authorized to participate by the Ethics Division, pursuant to 5 C.F.R. § 2635.502(d).

I understand that your Confidential Assistant, Patrick Shaheen, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. Rob Wexler, Senior Counsel, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Morris Barren at (202) 401-6025.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Patrick Shaheen  
Rob Wexler

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)

[Redacted]





UNITED STATES DEPARTMENT OF EDUCATION

June 20, 2018

MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

FROM: Carlos Genaro Muniz  
General Counsel

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Disqualification Memorandum issued to me by the Designated Agency Ethics Official on June 20, 2018, concerning my position as the General Counsel.

Pursuant to the Ethics Pledge that I signed upon entering service at the Department, I will not, for a period of two years from the date of my appointment, participate in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. I understand that this disqualification covers meetings or other communications with my former employers and former clients, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the two years prior to the date of my appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent or consultant in the two years prior to my appointment. I am subject to this two-year disqualification with respect to the following organizations:

(b)(3)-5 U.S.C. app. section 105,(b)(3)-5 U.S.C. app section 107(a),(b)(6)

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- (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107(a), (b)(6)
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Additionally, I personally provided services to the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107 while I was employed with (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107. For a period of one year after I last provided services to the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107, I will not participate personally and substantially in any particular matter involving specific parties in which I know the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107 is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

In order to help ensure that I do not participate in matters relating to any of the entities listed above, I have taken or will take the following steps:

1. I have instructed my Confidential Assistant, Patrick Shaheen, to screen all Department matters directed to my attention that involve outside entities that require my participation, to determine if they involve any of the entities listed above.
2. If Patrick Shaheen determines that a matter involves any of the entities listed above, directly or indirectly, he will refer them to Rob Wexler, Senior Counsel, for action or assignment, *without* my knowledge or involvement.
3. I will provide Patrick Shaheen and Rob Wexler with a copy of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Patrick Shaheen to seek the assistance of an agency ethics official if he is ever uncertain whether or not I may participate in a matter.
4. I will provide a copy of this memorandum to my principal subordinates. I also will instruct my principal subordinates that all inquiries and comments involving any of the entities listed above should be directed to Rob Wexler, *without* my knowledge or involvement.
5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Patrick Shaheen, Rob Wexler, and my principal subordinates.

Attachment: Disqualification Memorandum dated June 20, 2018

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Patrick Shaheen  
Rob Wexler



[illegible]

During your ethics briefing, you mentioned that your immediate concern is (b)(5)

(b)(5)

(b)(5) I provide the following guidance to assist you in understanding this

area and your disqualifications with certain former employers and former clients (e.g. (b)(3) 5 U.S.C. app. section 105 (b))

(b)(3):5 U.S.C. app. section

105,(b)(3):5 U.S.C. app  
section 107(a) (b)(6)

100

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## Ethics Pledge

In addition to the types of specific party matters covered by the Standards of Conduct (e.g., contracts, litigation, etc.), under the Ethics Pledge, the disqualification for particular matters involving specific parties covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment.

I hope this helps, and feel free to contact me with any questions.

## **Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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## Barren, Morris

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**From:** Barren, Morris  
**Sent:** Thursday, July 05, 2018 2:42 PM  
**To:** Talbert, Kent  
**Subject:** Ethics Advice  
  
**Importance:** High

Hi Kent,

Thank you for meeting and providing the information needed to complete your Public Financial Disclosure Report (Report). I provide the following ethics guidance based upon our communications and the information in your Report.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

### Stocks

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6)

Under 18 U.S.C. § 208, you are disqualified from participating personally and substantially, in your official Department capacity, in any particular matter that has a direct and predictable effect on your financial interests, including those of any organization in which you or your spouse own stock, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

There is an exemption applicable to stock ownership. Specifically, the so-called “de minimis exemption” may provide some relief in different ways. First, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). For example, if the value of your holdings in (b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6) exceeded \$15,000, you would need to disqualify yourself from participating in any specific party matter at the Department that could affect this financial interest. For your information, “particular matters involving specific parties” include an application, a lawsuit, a grant, a contract, a claim, a controversy, an investigation, a charge, an accusation, or an arrest. 5 C.F.R. § 2640.102(f).

In addition, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities that are not parties to the matter but that are affected by the matter, if: 1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all affected entities does not exceed \$25,000. 5 C.F.R. § 2640.202(b).

Furthermore the de minimis exemption allows you to participate in *any particular matter of general applicability*, such as a rulemaking or a policy matter, in which the disqualifying financial interest arises from the ownership by you, your



spouse, or your minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

### Two-Year Ban

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on January 23, 2018, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with the following entities:**

- (b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S.C. app section 107(a),(b)(6)
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(b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S.C. app section 107(a),(b)(6)

You are the sole proprietor of (b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S.C. app section 107(a),(b)(6). According to our communications and a note in your financial disclosure report, you ceased operations and closed the firm to the public before your appointment. You have since been engaged in the administrative closing of the firm. The firm has no outstanding receivables due from clients. You will not perform any services, except that you will perform activities required to legally bring the firm to a close. Pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter that to your knowledge has a direct and predictable effect on the financial interests of (b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S.C. app sec

(b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S.C. app section 107(a),(b)(6)

(b)(3):5 U.S.C. app. section 105,(b)(3):5 U.S.C. app section 107(a),(b)(6) You may not participate personally and substantially in any particular matter that to your knowledge has a direct and predictable effect on the financial interests of (b)(3):5 U.S.C. app. section 105,(b)(3): or its underlying assets, unless you first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

Please let me know if you have any questions.

**Morris Barren**  
Attorney  
**Office of the General Counsel, Ethics Division**  
U.S. Department of Education  
(202) 401-6025

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

April 13, 2018

MEMORANDUM

TO: Douglas Wayne Webster  
Chief Financial Officer (b)(6)

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for Policy and  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on November 13, 2017 is attached to this disqualification.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity for which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to (b)(3); 5 U.S.C. app. section 105.(b)(3); 5 U.S.C. app section 107(a),(b) (b)(3); 5 U.S.C. app. section 105.(b)(3); 5 U.S.C. app section 107(a),(b)(6)

Additionally, you retain, in name only, your position as a (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6) and receive royalties from (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6). You are prohibited from participating personally and substantially in any particular matter involving specific parties in which the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6) is a party, or represents a party, unless you are first authorized to participate by the ethics office, pursuant to 5 C.F.R. § 2635.502(d).

I understand that your Executive Officer, Jennifer Sheriff-Parker, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. The Deputy Chief Financial Officer, Tim Soltis, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Morris Barren at (202) 401-6025.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Jennifer Sheriff-Parker





UNITED STATES DEPARTMENT OF EDUCATION

April 13, 2018

MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

FROM: Douglas Wayne Webster  
Chief Financial Officer

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Disqualification Memorandum issued to me by the Designated Agency Ethics Official on April 13, 2018, concerning my position as the Chief Financial Officer.

Pursuant to the Ethics Pledge that I signed upon entering service at the Department, I will not, for a period of two years from the date of my appointment, participate in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. I understand that this disqualification covers meetings or other communications with my former employers and former clients, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the two years prior to the date of my appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent or consultant in the two years prior to my appointment. I am subject to this two-year disqualification with respect to (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6)

Additionally, I retain, in name only, my position as a (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6) and receive royalties from (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6)

I am prohibited from participating personally and substantially in any particular matter involving specific parties in which the (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app. section 107(a),(b)(6) is a party, or represents a party, unless I am first authorized to participate by the ethics office, pursuant to 5 C.F.R. § 2635.502(d).

In order to help ensure that I do not participate in matters relating to any of the entities listed above, I have taken or will take the following steps:

1. I have instructed my Executive Officer, Jennifer Sheriff-Parker, to screen all Department matters directed to my attention that involve outside entities that require my participation, to determine if they involve any of the entities listed above.
2. If Jennifer Sheriff-Parker determines that a matter involves any of the entities listed above, directly or indirectly, she will refer them to the Deputy Chief Financial Officer, Tim Soltis, for action or assignment, *without* my knowledge or involvement.
3. I will provide Jennifer Sheriff-Parker and Tim Soltis with a copy of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Jennifer Sheriff-Parker to seek the assistance of an agency ethics official if she is ever uncertain whether or not I may participate in a matter.
4. I will provide a copy of this memorandum to my principal subordinates. I also will instruct my principal subordinates that all inquiries and comments involving any of the entities listed above should be directed to Tim Soltis, *without* my knowledge or involvement.
5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Jennifer Sheriff-Parker, Tim Soltis, and my principal subordinates.

Attachment: Disqualification Memorandum dated April 13, 2018

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Jennifer Sheriff-Parker  
Tim Soltis

## Barren, Morris

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**From:** Barren, Morris  
**Sent:** Thursday, August 03, 2017 9:56 AM  
**To:** Richey, Kimberly  
**Subject:** Ethics Advice  
  
**Importance:** High

Sorry. I corrected the date you signed the Ethics Pledge.

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**From:** Barren, Morris  
**Sent:** Thursday, August 03, 2017 9:52 AM  
**To:** Richey, Kimberly  
**Subject:** Ethics Advice  
**Importance:** High

Hi Kim,

Thank you for meeting yesterday and reviewing the updates made to your Public Financial Disclosure Report (Report). With your Report completed, I provide the following ethics advice based upon our conversations and the information in your Report.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

### Two-Year Ban

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on June 19, 2017, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with the following entities:**

- (b)(3); 5 U.S.C. app. section 105, (b)(3); 5 U.S.C. app. section 107(a), (b)(6)
- 

Please let me know if you have any questions.



**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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## Barren, Morris

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**From:** Barren, Morris  
**Sent:** Wednesday, October 18, 2017 11:35 AM  
**To:** Menashi, Steven  
**Subject:** Ethics Advice (Updated)

**Importance:** High

Hi Steven,

Again, thank you for the information. (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)  
(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a) of your Public Financial Disclosure Report. Also, please see below for updated ethics advice that replaces the advice I provided on October 03, 2017.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

(b)(3):5 U.S.C. app. section 105,  
(b)(3):5 U.S.C. app. section 107

Since you are employed by (b)(3):5 U.S.C. under the Federal conflict of interest statute at 18 U.S.C. § 208(a), you are disqualified from participating personally and substantially, in your official capacity at the Department, in any particular matter that has a direct and predictable effect on the financial interests of (b)(3):5 U.S.C. However, under the Standards of Ethical Conduct for Employees of the Executive Branch, a Federal employee on a full leave of absence from an institution of higher education may participate in any particular matter of general applicability (e.g., legislation, policy matter or rulemaking) affecting the financial interests of the institution from which he is on leave, provided that the matter will not have a "special or distinct effect" on that institution other than as part of a class. 5 C.F.R. § 2640.203(b). Therefore, since you are on a full leave of absence from (b)(3):5 U.S.C., you qualify for the regulatory exemption at 5 C.F.R. § 2640.203(b). This means, for example, you may work on a matter of general applicability related to a Department program affecting the financial interests of all universities. However, please note that you may not participate in 1) any particular matter involving (b)(3):5 U.S.C. alone or 2) any particular matter of general applicability that would have a distinct or special effect on (b)(3):5 U.S.C. or a small group of universities that includes (b)(3):5 U.S.C.

With this said, (b)(3):5 U.S.C. continues to pay for life insurance and long-term disability insurance for you. As a result, you may not participate personally and substantially in any particular matter before the Department that has a direct and predictable effect on the ability or willingness of (b)(3):5 U.S.C. to provide these benefits to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Though a violation of this disqualification is unlikely, I provide this piece of advice for your awareness.

Finally, as you are aware, pursuant to the Standards of Ethical Conduct for Employees of the Executive Branch, absent a written authorization, you are disqualified from participating in any particular matter, in your official Department capacity, in which (b)(3):5 U.S.C. is a party or represents a party, unless first authorized by our office to participate. See 5 C.F.R. § 2635.502(d).



## Stocks

(b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6)

Under 18 U.S.C. § 208, you are disqualified from participating personally and substantially, in your official Department capacity, in any particular matter that has a direct and predictable effect on your financial interests, including those of any organization in which you or your spouse own stock, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

There is an exemption applicable to stock ownership. Specifically, the so-called “*de minimis* exemption” may provide some relief in different ways. First, the *de minimis* exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). For example, since the value of (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6) exceeds \$15,000, you must disqualify yourself from participating in any specific party matter at the Department that could affect this financial interest. For your information, “particular matters involving specific parties” include an application, a lawsuit, a grant, a contract, a claim, a controversy, an investigation, a charge, an accusation, or an arrest. 5 C.F.R. § 2640.102(f).

In addition, the *de minimis* exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities that are not parties to the matter but that are affected by the matter, if: 1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all affected entities does not exceed \$25,000. 5 C.F.R. § 2640.202(b).

Furthermore the *de minimis* exemption allows you to participate in *any particular matter of general applicability*, such as a rulemaking or a policy matter, in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

## Spousal Income

Your spouse is employed with (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 Pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter before the Department that has a direct and predictable effect on your spouse’s compensation or employment with (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in any particular matter involving specific parties in which (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 is a party or represents a party, unless you first obtain an authorization pursuant to 5 C.F.R. § 2635.502(d).

## Two-Year Ban

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on May 19, 2017, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A “former employer” includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A “former client” includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with the following entities:**



(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

Please let me know if you have any questions.

**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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**From:** Barren, Morris

**Sent:** Wednesday, October 11, 2017 3:16 PM

**To:** Menashi, Steven

**Subject:** RE: Ethics Advice

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

Thanks,

Morris

---

**From:** Menashi, Steven

**Sent:** Tuesday, October 10, 2017 6:44 PM



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

August 29, 2018

MEMORANDUM

TO: Kenneth Lawrence Marcus  
Assistant Secretary for Civil Rights

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics  
Designated Agency Ethics Officer

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on August 31, 2017 is attached to this disqualification.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to the following organizations and people:

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6)

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- (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107(a), (b)(6)
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Additionally, you personally provided services to the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). For a period of one year after you last provided services to the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6), you are prohibited from participating personally and substantially in any particular matter involving specific parties in which you know the (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) is a party or represents a party, unless you are first authorized to participate by the Ethics Division, pursuant to 5 C.F.R. § 2635.502(d).

You also have an agreement to receive royalties from (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). You are prohibited from participating personally and substantially in any particular matter involving specific parties in which you know (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) is a party or represents a party, unless you are first authorized to participate by the Ethics Division, pursuant to 5 C.F.R. § 2635.502(d).

Furthermore, your spouse is employed with (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). You are prohibited from participating personally and substantially in any particular matter that to your knowledge has a direct and predictable effect on your spouse's compensation or employment with (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). You are further prohibited from participating personally and substantially in any particular matter involving specific parties in which (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) is a party, or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). This disqualification will remain in effect for as long as your spouse is employed with (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6).

I understand that your Confidential Assistant, Chelsea Henderson, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. William Trachman, Deputy Assistant Secretary for Civil Rights, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Morris Barren at (202) 401-6025.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Chelsea Henderson  
William Trachman



## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Monday, March 27, 2017 7:12 PM  
**To:** Ham, Holly  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Ethics Pledge)

Dear Holly,

While you are waiting for the revisions to your New Entrant Report, I wanted to provide you with the relevant ethics advice concerning your prior employer (b)(3) 5 U.S.C. app. section 105(b)  
(3) 5 U.S.C. app. section 107(a)(b)(6)

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity as a Department of Education ("Department") employee, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge you signed when you came to the Department, you may not, for a period of two years from the date of your appointment (January 20, 2017), participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for whom you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two year disqualification (January 20, 2017 – January 20, 2019) with respect to the following organization:

(b)(3) 5 U.S.C. app. section 105(b)  
(3) 5 U.S.C. app. section 107(a)(b)(6)

Let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)

## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, March 31, 2017 5:19 PM  
**To:** Ham, Holly  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock & Sector Mutual Fund Ownership Advice)

Dear Holly,

I am pleased to inform you that your New Entrant OGE e-Form 278 Public Financial Disclosure Report ("New Entrant Report") was certified by the Ethics Division today, March 31, 2017. Thanks to you and Mikel for your cooperation and patience.

As you are aware, under the Federal conflict of interest statute at 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in your official capacity as a Department of Education ("Department") employee in any particular matter that, to your knowledge, has a direct and predictable effect on your financial interests or on those of any person whose interests are imputed to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). You are considered to have a financial interest in any entity you, your spouse or your dependent child has an ownership interest in and this includes stock ownership or ownership in other securities like sector mutual funds.

However, a de minimis exemption to the conflict of interest statute allows you to participate in any particular matter involving specific parties where the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. So, for example, if the value of (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. added up to more than \$15,000, you would need to disqualify yourself from participating in any particular matter involving specific parties here at the Department that could affect (b)(3):5 U.S.C. app. financial interests. The term "particular matter involving specific parties" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, grant, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties. 5 C.F.R. § 2640.102(l). The term typically involves a specific proceeding affecting the legal rights of the parties, or an isolatable transaction or related set of transactions between identified parties and includes some meetings. Id.

In addition, another de minimis exemption to the conflict of interest statute allows you to participate in any particular matter of general applicability (i.e., legislation, policy matters or regulatory rulemakings) in which the disqualifying financial interest arises from the ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. By way of example, you would be prohibited from drafting regulations that would affect the interest rates that banks can charge on student loans (a particular matter of general applicability) if you own more than \$25,000 worth of publicly-traded stock in a bank that provides student loans (i.e., Wells Fargo Bank), or own over \$50,000 worth of publicly-traded stock in several banks that provide student loans (i.e., Discover Financial Services, SunTrust Bank and Wells Fargo Bank).

That said, you indicated on your New Entrant Report that (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) which is a (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6). That means, pursuant to 18 U.S.C. § 208(a), you are disqualified from participating personally and substantially in your official capacity as a Department employee in any particular matter that has a direct and predictable effect on the financial interests of (b)(3):5 U.S.C. app. section 105, (b)(3):5 unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). This disqualification applies to particular matters involving specific parties (i.e., grants, contracts, some meetings) as well as



- particular matters of general applicability (i.e., legislation, policy matters, regulatory rulemakings). Please also keep in mind that because (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6) the above-referenced de minimis exemptions for securities do not apply for (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6)

Lastly, pursuant to 5 C.F.R. § 2640.201(b)(2)(i), a Federal employee may participate in a particular matter affecting one or more holdings of a sector mutual fund where the disqualifying financial interest in the matter arises because of ownership of an interest in the fund and the aggregate market value of interests in any sector mutual fund or funds does not exceed \$50,000. Therefore, as long as the aggregate value of yours, your spouse's or dependent child's ownership interest in a specific sector mutual fund is below \$50,000, you may participate in any particular matter at the Department affecting the underlying holdings of that sector mutual fund without running afoul of the criminal conflict of interest statute at 18 U.S.C. § 208(a). For example, if the aggregate market value of (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6) is below \$50,000, you may participate in any particular matter at the Department affecting the underlying holdings of the (b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6) without running afoul of 18 U.S.C. § 208(a).

Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)



## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, March 31, 2017 5:28 PM  
**To:** Ham, Holly  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Spousal Disqualification)

Dear Holly,

I wanted to also provide you the relevant ethics advice pertaining to your spouse's employment with (b)(3):5. Please keep in mind that pursuant to the Federal conflict of interest statute at 18 U.S.C. § 208(a), you may not participate personally and substantially in your official capacity as a Department of Education ("Department") employee in any particular matter that has a direct and predictable effect on your spouse's compensation or employment with Morgan Stanley unless you first obtain a written waiver from the Ethics Division, pursuant to 18 U.S.C. § 208(b)(1). Moreover, because your spouse currently (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), you are also disqualified from personally and substantially participating in your official capacity as a Department employee in any particular matter that has a direct and predictable effect on (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), financial interests. Both prohibitions apply to particular matters involving specific parties (i.e., grants, contracts, some meetings) as well as particular matters of general applicability (i.e., regulatory rulemakings, policy matters or legislation).

Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties (i.e., grants, contracts, some meetings) where (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), is, or represents, a party before the Department, unless you first obtain an authorization from the Ethics Division pursuant to 5 C.F.R. § 2635.502(d).

As a practical matter, this means you are prohibited from working on any Department matters involving or relating to (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), unless you talk to the Department's Ethics Division first.

Let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)

## Shields, Michael L. (OGC)

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**From:** Ham, Holly  
**Sent:** Monday, April 24, 2017 5:37 PM  
**To:** Shields, Michael L. (OGC)  
**Cc:** Goodridge, Marcella  
**Subject:** RE: New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock & Sector Mutual Fund Ownership Advice)

Thank you, Michael.

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**From:** Shields, Michael L. (OGC)  
**Sent:** Monday, April 24, 2017 3:42 PM  
**To:** Ham, Holly  
**Cc:** Goodridge, Marcella  
**Subject:** RE: New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock & Sector Mutual Fund Ownership Advice)

Dear Holly,

In light of President Trump's intent to appoint you as Assistant Secretary for Management at the Department of Education ("Department"), I wanted to provide you updated ethics advice pertaining to your new position with the Department. One of the job responsibilities of the Assistant Secretary for Management includes developing and coordinating the implementation of business processes and IT investment in conjunction with high-level officials of

and staff officers in the Department. That said, the Department currently has open contracts where (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) are the prime contractor and a subcontractor, (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) respectively. According to your New Entrant Report, your spouse currently owns (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)

Because it appears likely you will work with (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6) in your new role as Assistant Secretary for Management, please be mindful of the below-listed de minimis exemptions particularly as they relate to the value of your spouse's (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)

Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, March 31, 2017 5:19 PM  
**To:** Ham, Holly



## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, June 09, 2017 12:03 PM  
**To:** Simmons, Lee (Dougie)  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock Ownership)

Dear Dougie,

I am pleased to inform you that your New Entrant OGE e-Form 278 Public Financial Disclosure Report ("New Entrant Report") was certified by the Ethics Division today, June 9, 2017. Thank you for your cooperation and patience.

After reviewing your New Entrant Report, I wanted to provide you the necessary ethics advice as it relates to your current stock holdings. Under the Federal conflict of interest statute at 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in your official capacity as a Department of Education ("Department") employee in any particular matter that, to your knowledge, has a direct and predictable effect on your financial interests or on those of any person whose interests are imputed to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). You are considered to have a financial interest in any entity you, your spouse or your minor child has an ownership interest in and this includes stock ownership.

However, a de minimis exemption to the conflict of interest statute allows you to participate in any particular matter involving specific parties where the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. So, for example, if the value of your stock holdings in (b)(3):5 U.S.C. app. section 1 added up to more than \$15,000, you would need to disqualify yourself from participating in any particular matter involving specific parties here at the Department that could affect (b)(3):5 U.S.C. app. (b)(3) financial interests. The term "particular matter involving specific parties" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, grant, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties. 5 C.F.R. § 2640.102(l). The term typically involves a specific proceeding affecting the legal rights of the parties, or an isolatable transaction or related set of transactions between identified parties and includes some meetings. Id.

In addition, another de minimis exemption to the conflict of interest statute at 18 U.S.C. § 208(a) allows you to participate in any particular matter of general applicability (i.e., legislation, policy matters or regulatory rulemakings) where the disqualifying financial interest arises from the ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. By way of example, you would be prohibited from drafting regulations that would affect the interest rates that banks can charge on student loans (a particular matter of general applicability) if you own more than \$25,000 worth of publicly-traded stock in a bank that provides student loans (i.e., Wells Fargo Bank), or own over \$50,000 worth of publicly-traded stock in several banks that provide student loans (i.e., Discover Financial Services, SunTrust Bank, and Wells Fargo Bank).

You indicated on your New Entrant Report that the current value of your stock holdings in (b)(3):5 U.S.C. app. section 105(b) (b)(3):5 U.S.C. app. section 107(a)(b)(6) That said, you cannot claim either of the above-referenced de minimis exemptions for your stock ownership in this company. That means, pursuant to 18 U.S.C. § 208(a), you are currently disqualified from participating personally and substantially in your official capacity as a Department employee in any particular matter that, to your knowledge, has a direct and predictable effect on the financial interests of (b)(3):5 U.S.C. app. section 105(b) (b)(3):5 U.S.C. app. section 107(a)(b)(6)



Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
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Washington, D.C. 20202  
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[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)



UNITED STATES DEPARTMENT OF EDUCATION

August 14, 2018

MEMORANDUM

TO: Elizabeth P. DeVos  
Secretary of Education

FROM: Mitchell M. Zais  
Deputy Secretary

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Ethics Agreement I executed on October 31, 2017 ("Ethics Agreement") prior to my confirmation on May 16, 2018 as Deputy Secretary of the U.S. Department of Education ("Department").

Pursuant to 18 U.S.C. § 208(a), I am prohibited from participating personally and substantially in my official capacity as a Department employee in any particular matter that has a direct and predictable effect on my financial interests or on those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as an officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating, or have an arrangement concerning prospective employment.

My spouse is employed by (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107(a), (b)(6)  
(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107(a), (b)(6) For as long as my spouse continues to work for (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app sec  
(b)(3):5 U.S.C. app section 105, (b)(3):5 U.S.C. app section 107(a), (b)(6) I will not participate personally and substantially in my official capacity as a  
(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107(a), (b)(6) Department employee in any particular matter involving specific parties in which I know  
(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app section 107(a), (b)(6) is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). I also will not participate personally and substantially in my official capacity as a Department employee in any particular matter involving specific parties in which I know any client of my spouse is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

## Mitchell M. Zais Screening Arrangement

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge I signed, I may not, for a period of two (2) years from the date of my appointment (May 16, 2018), personally and substantially participate in my official capacity as a Department employee in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with my former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the last two (2) years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent, attorney, or consultant within two (2) years prior to my confirmation, but does not include any State or local government. I am subject to this two-year disqualification (May 16, 2018 – May 16, 2020) with respect to the following entities:

(b)(3)-5 U.S.C. app. section 105, (b)(3)-5 U.S.C. app. section 107(a), (b)(6)

In order to help ensure that I do not participate in matters relating to the above-referenced entities, I have taken or will take the following steps:

1. I have instructed my Confidential Assistant, Martha Davis, to screen all Office of the Deputy Secretary matters directed to my attention that involve outside entities that require my participation, to determine if they involve any of the above-referenced entities.
2. If Martha Davis determines that a matter involves any of the above-referenced entities, directly or indirectly, Martha Davis will inform Kent Talbert, Senior Policy Advisor to the Deputy Secretary to act or assign the matter, *without* my knowledge or involvement.
3. I will provide Martha Davis and Kent Talbert with copies of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Martha Davis to seek the assistance of an agency ethics official if she is ever uncertain whether or not I may participate in a matter.
4. I will provide a copy of this memorandum to my principal subordinates. I also will instruct my principal subordinates that all inquiries and comments involving the above-referenced entities should be directed to Martha Davis *without* my knowledge or involvement.



Mitchell M. Zais Screening Arrangement

5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Martha Davis, Kent Talbert and my principal subordinates.

Attachment: Disqualification Memorandum dated August 14, 2018

Cc: Martha Davis, Confidential Assistant, Office of the Deputy Secretary  
Kent Talbert, Senior Policy Advisor to the Deputy Secretary  
Marcella Goodridge-Keiller, Assistant General Counsel for Ethics &  
Designated Agency Ethics Official



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF THE GENERAL COUNSEL

August 14, 2018

### MEMORANDUM

TO: Mitchell M. Zais  
Deputy Secretary

FROM: Marcella Goodridge-Kei  
Assistant General Counsel  
Designated Agency Ethicist

RE: Conflict of Interest Disqualification

(b)(6)

Pursuant to 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in your official capacity as a U.S. Department of Education ("Department") employee in any particular matter that has a direct and predictable effect on your financial interests or on those of any person whose interests are imputed to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to you: any spouse or minor child of yours; any general partner of a partnership in which you are a limited or general partner; any organization in which you serve as an officer, director, trustee, general partner or employee; and any person or organization with which you are negotiating, or have an arrangement concerning prospective employment.

1. (b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6)

Your spouse is employed by

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6)

For as long as your spouse continues to work for

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6)

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6) you are not to participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties in which you know (b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a) is a party or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). You also are not to participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties in which you know any client of your spouse is a party or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

## 2. Ethics Pledge

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge you signed, you may not, for a period of two (2) years from the date of your appointment (May 16, 2018), personally and substantially participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A “former employer” includes any entity for which you have, within the last two (2) years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A “former client” includes any entity for which you have personally served as an agent, attorney, or consultant within two (2) years prior to your appointment, but does not include any State or local government. You are subject to this two-year disqualification (May 16, 2018 – May 16, 2020) with respect to the following entities:

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

I understand that your Confidential Assistant, Martha Davis, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. Kent Talbert, Senior Policy Advisor to the Deputy Secretary, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about these disqualifications, please feel free to call me at (202) 401-1993.

Cc: United States Office of Government Ethics  
Elizabeth P. DeVos, Secretary of Education  
Kent Talbert, Senior Policy Advisor to the Deputy Secretary  
Martha Davis, Confidential Assistant, Office of the Deputy Secretary





UNITED STATES DEPARTMENT OF EDUCATION

March 20, 2018

MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

FROM: Peter Oppenheim (b)(6)  
Assistant Secretary for Legislation and Congressional Affairs

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. This memorandum incorporates the recusal obligations set forth in the Updated Spousal Disqualification memorandum sent to me by Michael L. Shields, an attorney in the Ethics Division on March 20, 2018.

Pursuant to 18 U.S.C. § 208(a), I am prohibited from participating personally and substantially in my official capacity as a U.S. Department of Education ("Department") employee in any particular matter that has a direct and predictable effect on my financial interests or on those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as an officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating, or have an arrangement concerning prospective employment.

My spouse is a salaried employee of (b)(3); 5 U.S.C. app. section 105, (b)(3); 5 U.S.C. app. section 107(a); (b)(6) and (b)(3); 5 U.S.C. app. section 105, (b)(3); 5 U.S.C. app. section 107(a); (b)(6).

Accordingly, pursuant to the conflict of interest statute at 18 U.S.C. § 208(a), I am disqualified from participating personally and substantially in my official capacity as a Department employee in any particular matter that has a direct and predictable effect on my spouse's compensation or employment with (b)(3); 5 U.S.C. app. section 105, (b)(3); 5 U.S.C. app. section 107(a); (b)(6) unless I first obtain a written waiver from the Ethics Division, pursuant to 18 U.S.C. § 208(b)(1). This disqualification applies to particular matters involving specific parties (i.e., grants, contracts, some meetings) as well as particular matters of general applicability (i.e., regulatory rulemakings, policy matters or legislation).

Lastly, because (b)(3)(5) U.S.C. app. section 105(b) is a wholly-owned division of (b)(3)(5) U.S.C. app. I am also disqualified from participating personally and substantially in my official capacity as a Department employee in any particular matters involving specific parties (i.e., grants, contracts, some meetings) where (b)(3)(5) U.S.C. app. is a party or represents a party, unless I first receive a written authorization from the Ethics Division pursuant to 5 C.F.R. § 2635.502(d).

1. I have instructed my Legislative Director, Molly Petersen, to screen all Office of Legislation and Congressional Affairs matters directed to my attention that involve outside entities that require my participation, to determine if they involve

3. I will provide Molly Petersen, with a copy of this memorandum so that she may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Molly Petersen to seek the assistance of an agency ethics official if she is ever uncertain whether or not I may participate in a matter.

5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.

Peter Oppenheim Screening Arrangement

6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Molly Petersen, and my principal subordinates.

Attachment: Updated Spousal Disqualification dated March 20, 2018

Cc: United States Office of Government Ethics  
Molly Petersen, Legislative Director, Office of Legislation and  
Congressional Affairs





Memorandum for Peter Oppenheim

Also, pursuant to the Standards of Ethical Conduct for Employees of the Executive Branch ("Standards"), you may not participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties (i.e., grants, contracts, some meetings) where (b)(3)-5 U.S.C. app. section 105.(b)(3)-5 is, or represents, a party before the Department, unless you first obtain an authorization from the Ethics Division pursuant to 5 C.F.R. § 2635.502(d).

Lastly, because (b)(3)-5 U.S.C. app. section 105.(b)(3)-5 is a wholly-owned division of (b)(3)-5 U.S.C. app. you are also disqualified from participating personally and substantially in your official capacity as a Department employee in any particular matters involving specific parties (i.e., grants, contracts, some meetings) where (b)(3)-5 U.S.C. is a party or represents a party, unless you receive a written authorization from the Ethics Division.

I understand that Molly Petersen will act as your gatekeeper to help ensure that you do not work on matters at the Department involving or relating to (b)(3)-5 U.S.C. app. s. (b)(3)-5 U.S.C. app. section 105.(b)(3)-5 U.S.C. app. sec. Let me know if you have any questions concerning the foregoing ethics advice at (202) 401-6233.

Cc: Marcella Goodridge, Assistant General Counsel for Ethics and Designated Agency Ethics Official  
Molly Petersen, Legislative Director, Office of Legislation and Congressional Affairs



## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Tuesday, May 08, 2018 4:34 PM  
**To:** Woodworth, James  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Ethics Pledge - (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6))

Dear Lynn,

I am pleased to inform you that your New Entrant OGE e-Form 278 Public Financial Disclosure Report was certified by the Ethics Division today, May 8, 2018. Thank you for your cooperation and patience. That said, I wanted to provide you the relevant ethics advice pertaining to your former employer, Stanford University and your former client, Ed Choice.

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge you signed when you came to the Department of Education ("Department"), you may not, for a period of two (2) years from the date of your appointment (March 19, 2018), personally and substantially participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for whom you have, within the last two (2) years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for whom you have personally served as an agent, attorney, or consultant within two (2) years prior to your appointment and does not include any State or local government. You are subject to this two-year disqualification (March 19, 2018 – March 19, 2020) with respect to the following entities:

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)



## Spencer, Kristina

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**From:** Spencer, Kristina  
**Sent:** Monday, April 24, 2017 11:46 AM  
**To:** Bailey, Nathan  
**Subject:** 278e New Entrant Public Financial Disclosure Report - Initial Ethics Advice and Follow Up Questions

**Importance:** High

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Bailey, Nathan	Read: 4/24/2017 11:50 AM

Hi Nathan,

I was assigned by OGC Ethics to review your new entrant public financial disclosure report that you recently submitted on Integrity.gov. I want to take this opportunity to provide you with some initial ethics guidance and ask some follow up questions.

### **Ethics Guidance: Former Employers and Former Clients**

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (1/28/17), and the ethics pledge you signed when you came to the Department of Education, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two year disqualification with respect to

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

(b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)

Thanks!  
Kristina

## Spencer, Kristina

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**From:** Spencer, Kristina  
**Sent:** Monday, March 26, 2018 10:16 AM  
**To:** Ham, Holly  
**Subject:** 278-T Periodic Transaction Report - Ethics Advice (b)(3):5 U.S.C. app

**Importance:** High

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, April 10, 2018 10:00 AM  
**Flag Status:** Completed

Tracking:	Recipient	Read
	Ham, Holly	Read: 3/26/2018 2:45 PM

Hi Holly,

I hope you are doing well.

I was assigned by OGC Ethics to review your OGE Form 278-T Periodic Transaction Report that you recently submitted on Integrity.gov.

### Ethics Advice – Stock Ownership

I note that you own (b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section and just wanted to remind you of the ethics rules concerning stock ownership. Generally, you may not participate personally and substantially in any particular matter that has a direct and predictable effect on your financial interests. Therefore, you may not participate in any particular matter involving or affecting an entity you or your spouse own stock in, unless you first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), qualify for a regulatory exemption pursuant to 18 U.S.C. § 208(b)(2), or unless one of the following *de minimus* exemptions apply:

1. You may work on matters involving specific parties for which you hold publicly-traded stock where the total worth of all stock holdings of entities who are parties to the matter does not exceed \$15,000.
2. You may work on matters involving specific parties, but that affect non-parties for which you hold publicly-traded stock where the total worth of all stock holdings of entities involved does not exceed \$25,000.
3. You may work on matters of generally applicability affecting entities for which you hold publicly-traded stock, where the total worth of all stock holdings of entities who are parties to the matter does not exceed \$50,000 and the holding for any one entity does not exceed \$25,000.

(b)(3):5 U.S.C. app. section 105, (b)(3):5 U.S.C. app. section 107(a), (b)(6)



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

March 8, 2018

MEMORANDUM

TO: Johnny Wayne Collett  
Assistant Secretary for Special Education and Rehabilitative Services

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on November 17, 2017 is attached to this memorandum.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to:





UNITED STATES DEPARTMENT OF EDUCATION

March 26, 2018

MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official  
(b)(6)

FROM: Johnny Wayne Collet  
Assistant Secretary for Special Education and Rehabilitative Services

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Disqualification Memorandum issued to me by the Designated Agency Ethics Official on March 8, 2018, concerning my position as the Assistant Secretary for Special Education and Rehabilitative Services.

Pursuant to the Ethics Pledge that I signed upon entering service at the Department, I will not, for a period of two years from the date of my appointment, participate in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. I understand that this disqualification covers meetings or other communications with my former employers and former clients, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the two years prior to the date of my appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent or consultant in the two years prior to my appointment. I am subject to this two-year disqualification with respect to:

(b)(3) 5 U.S.C. app. section 105, (b)(3) 5 U.S.C. app. section 107(a), (b)(6)

- 
- 
- 

Pursuant to the Standards of Ethical Conduct provisions on the appearance of a loss of impartiality, 5 CFR § 2635.502, and Department of Education policy, I will not participate personally and substantially in any particular matter involving specific parties in which any of the following entities is a party, or represents a party, for a period of one-

circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.

6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Mr. Mutz, Ms. Richey, and my principal subordinates.

Attachment: Disqualification Memorandum dated March 8, 2018

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Kimberly Richey  
John Fletcher Mutz

- (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)
- 
- 

You are not subject to this two-year prohibition with respect to:

- (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6)
- 

Both of these entities fall within the exception for entities of State and/or local government. Nevertheless, pursuant to the Standards of Ethical Conduct provisions on the appearance of a loss of impartiality, 5 CFR § 2635.502, and Department of Education policy, absent an authorization from my office, you may not participate personally and substantially in any particular matter involving specific parties in which any of these entities is a party, or represents a party, for a period of one-year following the last time you provided personal services to these entities.

Moreover, I understand that your spouse is (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6). Because your spouse's financial interests in (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) are imputed to you, you are prohibited from participating personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). You are further prohibited from participating personally and substantially in any particular matter involving specific parties in which (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6) is a party, or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). This disqualification will remain in effect for as long as your spouse is the sole proprietor of (b)(3);5 U.S.C. app. section 105,(b)(3);5 U.S.C. app section 107(a),(b)(6).

I understand that your confidential assistant, John Fletcher Mutz, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. The Deputy Assistant Secretary for Special Education and Rehabilitative Services, Kimberly Richey, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Kristina Spencer at (202) 401-0413.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Kimberly Richey  
John Fletcher Mutz



I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I will meet in person with you during the first week of my service in the position of Assistant Secretary for Special Education and Rehabilitative Services in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

(b)(6)



Johnny Wayne Collett



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

March 8, 2018

MEMORANDUM

TO: Johnny Wayne Collett  
Assistant Secretary for Special Education and Rehabilitative Services

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on November 17, 2017 is attached to this memorandum.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to:



UNITED STATES DEPARTMENT OF EDUCATION



October 3, 2019

Austin Evers  
American Oversight  
1030 15th Street  
Suite B255  
Washington, DC 20002

RE: FOIA Request No. 18-00530-F

Dear Mr. Evers:

This letter is a supplemental response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated November 28, 2017 and received in this office on November 30, 2017. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request.

You requested the following:

1. Records sufficient to identify all employees who entered into a position at the agency as “political appointees” since April 12, 2017 and the title or position of each employee (to the extent that such individuals have held multiple titles or positions since April 12, 2017 identify each title or position). For purposes of this request, please consider any employee in a PAS position, a presidentially-appointed position, a non-career SES position, a Schedule C position, or any administratively-determined position to be a “political appointee.”
2. Records sufficient to identify all career employees who have been detailed into a leadership office or component front office since April 12, 2017; the title or position of each employee while on detail; and each employee’s originating agency or component, and prior title (to the extent that such individuals have held multiple titles or positions since April 12, 2017, identify each title or position).
3. Names and resumes of anyone from the transition teams or beachhead teams who have joined the agency in full-time capacity, either as career, political, or administratively determined positions since April 12, 2017. For the purposes of this request, please include any employee who previously had a temporary or provisional appointment at ED before April 12, 2017, and took on a permanent appoint after that date.

For each individual identified in response to requests 1 to 3:

- a. The resume provided by the individual to the agency in connection with determining the appropriate salary for the individual, or, if that is not available, a recent resume contained within the agency’s records. We have no objection to the redaction of contact information (addresses, telephone numbers, e-mail addresses)



for the employee or references, or to the redaction of past salary information. Employment, education, and professional association information is not exempt and we object to any redactions of such information.

- b. Any conflicts or ethics waivers or authorizations for the individual, including authorizations pursuant to 5 C.F.R. § 2635.502.
- c. Records reflecting any recusal determination made or issued for the individual.
- d. Copies of any SF-50 forms for the individual reflecting any change in position or title, including when the employee enters or leaves a position. We have no objection to the redaction of home addresses, telephone numbers, or social security numbers from the SF-50s.

Attached to this e-mail are 73 pages of records responsive to your request. However, certain information has been withheld according to FOIA Exemptions 5 and 6, specified below:

- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.
- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. § 552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Because this request is currently in litigation, if you have any questions regarding this response, please contact AUSA Jeremy Simon at [Jeremy.simon@usdoj.gov](mailto:Jeremy.simon@usdoj.gov).

Sincerely,

/s/

Jill Siegelbaum  
Staff Attorney

Enclosure

## Rowell, Theresa

---

**From:** Rowell, Theresa  
**Sent:** Monday, September 25, 2017 7:39 PM  
**To:** Kissel, Adam  
**Subject:** RE: Public Financial Disclosure Report

**Sensitivity:** Confidential

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Kissel, Adam	Read: 9/25/2017 7:50 PM

Hi, Adam,

I have finalized your report and just made the following technical changes:

**Part 2: Filer's Employment Assets & Income and Retirement Accounts**

1. Line 3, TIAA GSRA, added "Interest" to "Interest Type"
2. Line 5, Liberty Fund, added "\$900" back to income amount (I just wanted you to delete "None (or less than \$1,000)" in the value column – sorry I wasn't clear on that).
3. Line 6, Liberty Fund, added "\$900" back to income amount (I just wanted you to delete "None (or less than \$1,000)" in the value column – sorry I wasn't clear on that).

**Part 4: Filer's Employment Agreements and Arrangements**

1. Line 1, Charles Koch Foundation, added "Senior program officer" to description

Also, I checked with the Office of Government Ethics and they confirmed that the Institute for Humane Studies (IHS) would be deemed a former client and therefore they fall within the Pledge. Hence, because they are deemed a former client, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which IHS is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties.

Let me know if you have any questions. Thanks,

*Theresa A. Rowell*

General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division  
400 Maryland Avenue, S.W.  
LBJ - 6E110  
Washington, D.C. 20202  
Tel: (202) 401-6284  
Fax: (202) 260-5104

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## Rowell, Theresa

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**From:** Rowell, Theresa  
**Sent:** Friday, August 18, 2017 7:14 PM  
**To:** Kissel, Adam  
**Subject:** RE: Ethics Guidance

**Sensitivity:** Confidential

Tracking:	Recipient	Read
	Kissel, Adam	Read: 8/19/2017 9:00 AM

Mr. Kissel,

Based on my initial review of your New Entrant Public Financial Disclosure Report, I want to offer you the following ethics guidance:

### Ethics Pledge

As a Federal employee subject to the terms of Executive Order 13770 (1/28/17), and the Ethics Pledge, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment, June 19, 2017, and does not include any State or local government, or any discrete, short-term engagements, including certain de minimis consulting activities. The disqualification applies to the following organizations:

Charles Koch Foundation  
American Academy for Liberal Education  
American Civil Rights Coalition

### Stock Holdings

Your Report indicates you maintain stock in various entities (b)(5) I am writing to give you general advice on how the conflict of interest statute applies to stock holdings.

Under the conflict of interest statute at 18 U.S.C. § 208, you are disqualified from participating personally and substantially in a particular matter that has a direct and predictable effect on your financial interests in entities resulting from you, your spouse's, and your minor child's ownership of stock in the entities. This applies to particular matters of general applicability as well as those involving specific parties. However, a regulatory exemption allows you to participate in any particular matter involving specific parties in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). Another regulatory exemption allows you to participate in any particular matter of general applicability, such as rulemaking, in which the disqualifying financial interest arises from the



ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed (a) \$25,000 in any one such entity; and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

As an example of “specific parties” in a “particular matter”: an employee of OCIO has been asked to sit on a panel to review proposals for a new firewall security system. An OCIO employee and his spouse own publicly-traded stock in two companies that have submitted proposals: \$7,000 worth in LMN company and \$3,000 worth in QRS company. The award of the contract to either LMN company or QRS company would have a direct and predictable effect upon the financial interests of the OCIO employee and his wife. However, because the stock of these two companies is publicly traded and the total value is below the \$15,000 cap, the de minimus exemption applies and the employee would be able to work on this particular matter (the contract) involving specific parties (LMN company and QRS company).

As an example of “matters of general applicability”: if the OCIO employee and his spouse own stock in a particular company which exceeds \$25,000, or the value of the stock for a specific sector of companies (e.g., all banks), which exceeds \$50,000, the OCIO employee would be prohibited from participating in “matters of general applicability” that could affect the financial interests of the company or companies in which he owns stock. See 5 CFR § 2640.202(c). By way of further example, the OCIO employee would be prohibited from drafting regulations that would affect the interest rates that banks can charge on student loans (a matter of general applicability) if the employee owns more than \$25,000 worth of stock in a bank that provides student loans, or owns over \$50,000 worth of stock in the banking industry, in general, and those banks who provide student loans.

To effectively rely on these exemptions, you must monitor the value of your financial interests. If the aggregate value of the financial interest increases and exceeds the de minimus threshold, you must not participate in any such particular matter.

Also, I also want to remind you that as a Form 278e filer, you are subject to the STOCK Act, which requires you to report “any purchase, sale, or exchange by you, your spouse, or dependent child of stocks, bonds, commodity futures, and other securities if the amount of the transaction exceeded \$1,000” within 30 days of when you received notification of the transaction, but not later than 45 days after the transaction occurred. You can report the required transactions in Integrity using the Form 278-T. For additional information, please go to <https://connected.ed.gov/SitePages/Ethics%20Index.aspx> (Guidance on Periodic Transactions Reporting).

**Note** that because the guidance is preliminary, it may be updated depending on any changes/additions that are made to your report. If you have any questions, feel free to reach out. Thanks,

*Theresa A. Rowell*

General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division  
400 Maryland Avenue, S.W.  
LBJ - 6E110  
Washington, D.C. 20202  
Tel: (202) 401-6284  
Fax: (202) 260-5104

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## Rowell, Theresa

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**From:** Rowell, Theresa  
**Sent:** Friday, June 08, 2018 6:35 PM  
**To:** Holifield, Johnathan  
**Subject:** RE: Re: Public Financial Disclosure Report - replies in red

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Holifield, Johnathan	Read: 6/8/2018 6:46 PM

Johnathan,

I have completed my review of your report. Your report is now certified. Based on your additional responses, I just want to update the ethics guidance that you received previously. I've included Forward Communities as a disqualification under the ethics pledge.

### Ethics Pledge

As a Federal employee subject to the terms of Executive Order 13770 (1/28/17), and the Ethics Pledge, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment, October 1, 2017, and does not include any State or local government, or any discrete, short-term engagements, including certain de minimis consulting activities. The disqualification applies to the following organizations:

ScaleUp Partners  
Bazillio Cobb Associates  
Forward Communities

Let me know if you have any questions. Thanks,

*Theresa A. Rowell*

General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division  
400 Maryland Avenue, S.W.  
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## Rowell, Theresa

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**From:** Rowell, Theresa  
**Sent:** Monday, February 05, 2018 7:34 PM  
**To:** Holifield, Johnathan  
**Subject:** Re: Ethics Guidance

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Holifield, Johnathan	Read: 2/5/2018 7:35 PM

Johnathan,

Based on my initial review of your New Entrant Public Financial Disclosure Report, I want to offer you the following ethics guidance:

### Ethics Pledge

As a Federal employee subject to the terms of Executive Order 13770 (1/28/17), and the Ethics Pledge, you may not for a period of two years from the date of your appointment to the Department participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment, October 1, 2017, and does not include any State or local government, or any discrete, short-term engagements, including certain de minimis consulting activities. The disqualification applies to the following organizations (additional entities may be added based on your responses to my questions that I sent you under separate cover):

**ScaleUp Partners**  
**Bazillio Cobb Associates**

### Spousal Disqualification

In reviewing your financial disclosure report I note that your spouse is employed by United Healthcare. Please keep in mind that, pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter that has a direct and predictable effect on your spouse's compensation or employment with United Healthcare, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption under 18 U.S.C. § 208(b)(2). This prohibition applies to matters involving specific parties (e.g., contracts, grants, investigations), as well as matters of general applicability (e.g., regulatory rulemaking). Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in any particular matter involving specific parties in which United Healthcare is, or represents, a party, unless you first obtain an authorization pursuant to 5 C.F.R. § 2635.502(d). As a practical matter this means that you are prohibited from working on any Department matters involving or related to United Healthcare, unless you talk to the Ethics Division first.

### Stock Holdings



Your Report indicates you maintain stock in various entities, some of which the Department does business with (e.g., IBM, Verizon). I am writing to give you general advice on how the conflict of interest statute applies to stock holdings.

Under the conflict of interest statute at 18 U.S.C. § 208, you are disqualified from participating personally and substantially in a particular matter that has a direct and predictable effect on your financial interests in entities resulting from you, your spouse's, and your minor child's ownership of stock in the entities. This applies to particular matters of general applicability as well as those involving specific parties. However, a regulatory exemption allows you to participate in any particular matter involving specific parties in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). Another regulatory exemption allows you to participate in any particular matter of general applicability, such as rulemaking, in which the disqualifying financial interest arises from the ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed (a) \$25,000 in any one such entity; and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

As an example of "specific parties" in a "particular matter": an employee of OCIO has been asked to sit on a panel to review proposals for a new firewall security system. An OCIO employee and his spouse own publicly-traded stock in two companies that have submitted proposals: \$7,000 worth in LMN company and \$3,000 worth in QRS company. The award of the contract to either LMN company or QRS company would have a direct and predictable effect upon the financial interests of the OCIO employee and his wife. However, because the stock of these two companies is publicly traded and the total value is below the \$15,000 cap, the de minimus exemption applies and the employee would be able to work on this particular matter (the contract) involving specific parties (LMN company and QRS company).

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Also, I also want to remind you that as a Form 278e filer, you are subject to the STOCK Act, which requires you to report "any purchase, sale, or exchange by you, your spouse, or dependent child of stocks, bonds, commodity futures, and other securities if the amount of the transaction exceeded \$1,000" within 30 days of when you received notification of the transaction, but not later than 45 days after the transaction occurred. You can report the required transactions in Integrity using the Form 278-T. For additional information, please go to <https://connected.ed.gov/SitePages/Ethics%20Index.aspx> (Guidance on Periodic Transactions Reporting).

**Note** that because the guidance is preliminary, it may be updated depending on any changes/additions that are made to your report. If you have any questions, feel free to reach out. Thanks,

*Theresa A. Rowell*  
General Attorney  
U.S. Department of Education  
Office of the General Counsel  
Ethics Division

400 Maryland Avenue, S.W.  
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## Goodridge, Marcella

---

**From:** Young, Leslie  
**Sent:** Monday, February 26, 2018 11:54 AM  
**To:** Talbert, Kent  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

Ok. Thanks.

---

**From:** Talbert, Kent  
**Sent:** Monday, February 26, 2018 11:53 AM  
**To:** Young, Leslie  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

At the present. Will post you if things change.

Kent

---

**From:** Young, Leslie  
**Sent:** Monday, February 26, 2018 11:52 AM  
**To:** Talbert, Kent  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

Are recused from GE and BD matters?

---

**From:** Talbert, Kent  
**Sent:** Monday, February 26, 2018 11:48 AM  
**To:** Young, Leslie  
**Cc:** Goodridge, Marcella  
**Subject:** RE: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

I am recused from GE at the present and so should not receive these emails. Thanks and please let me know if questions.

Kent

---

**From:** Young, Leslie  
**Sent:** Monday, February 26, 2018 11:16 AM  
**To:** Talbert, Kent  
**Subject:** FW: Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

See below for details. Thanks.



**From:** Young, Leslie

**Sent:** Monday, February 26, 2018 10:55 AM

**To:** Lee, Ebony; Houser, Jim; OUS; Sheehan, Richard; Johnson, Sandra; Warner, Julie; Siegel, Brian; Malawer, Hilary; Michael, Heidi; Honeysett, Adam; Anderson, Margo; Galiatsos, Ann Margaret; Sepulveda, Anthony; Escalante, Melissa; Hodel, Hannah; Campbell, Ellen; IC DocketMgr; Munier, Craig; Hammond, Cynthia; Butler, Connie; March, Greg; Reid, Hugh; Betka, Sue; Howard, Pat

**Cc:** Cunningham, Phavy; Conaty, Joe; Miller, Meredith; Hill, Paula; Cooke, Geneise; Bolden, Betty; Stanton, Craig; Simpson, Daniel; Beli-Ellwanger, Jenn; Saunders, Azilea; McFadden, Elizabeth; Amann, Amanda; Hester, Allison; Petersen, Molly; Nekrasz, Jeffrey; Devine, Katherine; Dyson, Geraldine; Anand, Supreet; Lieth, Anna; Mullan, Kate; Faiella, Matt; Scott, Nikisha; Goetz, Braden; Cahalan, Teresa; Mullan, Kate; Smith, Kathleen; Manning, James; Eitel, Robert; Botel, Jason; Weisman, Annmarie; McLarnon, Gail; Mahaffie, Lynn; Sanders, P.J.; GE17User; Filter, Scott

**Subject:** Draft 1 - GE Issue Papers session 3 (cmts due by 12 noon 2-27)

All,

(b)(5)

**CLEARANCE:** (Check one or more of the following that apply.)

**Reviewer Name(s):**

**Office:**

- A. ☐ Clears the document as written
- B. ☐ Comments on the document in the office's unique area of responsibility that must be addressed.
- C. ☐ Comments on the document to improve the document's quality, clarity, and integrity.

**Other:**

- D. ☐ Declines review/not going to review this document.
- E. ☐ Defers to: (name of office) on this document.

**Other Comments:**

## **Goodridge, Marcella**

---

**From:** Talbert, Kent  
**Sent:** Monday, February 12, 2018 6:54 PM  
**To:** Tighe, Kathleen S.  
**Cc:** McGinnis, Colleen; Holland, Linda; Howard, Pat; Bruce, Sandra; Sorensen, Howard; Venable, Joshua; Conaty, Joe; Goodridge, Marcella; Manning, James  
**Subject:** RE: SSA Information Exchange

Kathleen,

After being cc'd on the memorandum, I conferred in recent days with ED's Office of Ethics.

I am recused from this borrower defense matter.

I have asked Joe Conaty to serve as the cc contact in ODS which he has agreed to do.

Thank you.

Kent Talbert

---

**From:** Tighe, Kathleen S.  
**Sent:** Tuesday, February 06, 2018 3:49 PM  
**To:** Manning, James  
**Cc:** Talbert, Kent; McGinnis, Colleen; Holland, Linda; Howard, Pat; Bruce, Sandra; Sorensen, Howard  
**Subject:** SSA Information Exchange

Hi, Jim – please see the attached. If you have any questions, please let me know. Kathy

## Goodridge, Marcella

---

**From:** Goodridge, Marcella  
**Sent:** Monday, March 19, 2018 9:19 AM  
**To:** Richey, Kimberly  
**Subject:** RE: Invitation: NAFIS Spring Conference — URGENT

You are most welcome.

Marcella

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**From:** Richey, Kimberly  
**Sent:** Monday, March 19, 2018 9:18 AM  
**To:** Goodridge, Marcella  
**Subject:** Re: Invitation: NAFIS Spring Conference — URGENT

Thank you so much for getting back to me so quickly, Marcella!

FYI- I'm skipping the luncheon; will only be at the conference for 30 mins.  
Thank you again— SO much.

Kim

Sent from my iPhone

On Mar 19, 2018, at 9:15 AM, Goodridge, Marcella <[Marcella.Keiller@ed.gov](mailto:Marcella.Keiller@ed.gov)> wrote:

Thanks Kim.

I understand that NAFIS stands for “National Association of Federally Impacted Schools” which is “a non-profit, non-partisan corporation of school districts from throughout the United States, organized primarily to educate Congress on the importance of Impact Aid.” <https://www.nafisdc.org/about>.

As you already know, you are not subject to a disqualification related to NAFIS. While you are subject to a disqualification under the Ethics Pledge from specific party matters involving NSBA, it does not appear as if NSBA is co-hosting this conference such that the disqualification would come into play. It may be possible that some members of NSBA may be in the audience at the conference. However, there is an exemption under the Ethics Pledge which allows you to participate in matters involving your former employer, NSBA, if two conditions are met: (1) the topic of discussion for the meeting qualifies as a particular matter of general applicability; and (2) there will be a diversity of stakeholders present at the meeting. As to the second condition, a conference event usually meets this criteria. As to the first condition, I am assuming that your presentation will be general. Meaning, your discussion will be broad in topic/scope, and NOT anything specific to any one issue or any of the parties in attendance at the conference. Regarding the Supreme Court case, since you are attending in your official capacity, you will be presenting the Department's position and guidance. I do not see an ethics issue that would prevent you from doing so.



I am also assuming there may a gift associated with you speaking at this conference. At a minimum, it may be a meal. If you choose to have the meal, it would not be considered a gift under 5 C.F.R. § 2635.204(b)(8). If you suspect that you will be presented with something in addition to a meal (i.e., plaque to certificate as a token of appreciation), please let me know as soon as possible. FYI - Neither NAFIS nor Jocelyn Bissonnette appeared in the Senate or House databases a Federally registered lobbyists. Political appointees are prohibited from accepting gifts from Federally registered lobbyists under the Ethics Pledge.

In sum, the ethics rules would not preclude you from speaking at this event in your official capacity. If you have any additional questions or concerns, please let me know.

Marcella

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---

**From:** Richey, Kimberly  
**Sent:** Monday, March 19, 2018 8:43 AM  
**To:** Goodridge, Marcella  
**Subject:** RE: Invitation: NAFIS Spring Conference — URGENT

(b)(5)



---

**From:** Goodridge, Marcella  
**Sent:** Monday, March 19, 2018 8:41 AM  
**To:** Richey, Kimberly  
**Subject:** RE: Invitation: NAFIS Spring Conference — URGENT

Hi Kim.

(b)(5)



Marcella

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---

**From:** Richey, Kimberly  
**Sent:** Monday, March 19, 2018 6:46 AM  
**To:** Goodridge, Marcella  
**Subject:** Fwd: Invitation: NAFIS Spring Conference — URGENT

## Goodridge, Marcella

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**From:** Jones, Diane  
**Sent:** Wednesday, July 11, 2018 7:58 PM  
**To:** Goodridge, Marcella  
**Subject:** RE: Additional Disqualification

Thanks, Marcella.

---

**From:** Goodridge, Marcella  
**Sent:** Wednesday, July 11, 2018 7:57 PM  
**To:** Jones, Diane  
**Subject:** RE: Additional Disqualification

Thanks Diane. As a result, the Ethics Pledge disqualifies you from working on Department matters involving AALE through November 2019. If you have any issues or concerns with this disqualification, please let me know.

Marcella

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---

**From:** Jones, Diane  
**Sent:** Wednesday, July 11, 2018 7:55 PM  
**To:** Goodridge, Marcella  
**Subject:** RE: Additional Disqualification

Hi Marcella,  
I served as a board member and then volunteered for one year to serve as the president, so I did have a fiduciary responsibility. My involvement on the board and as president did include service in 2015 and 2016, so it would be within the two year time frame of November 2015- November 2017.  
Diane

---

**From:** Goodridge, Marcella  
**Sent:** Wednesday, July 11, 2018 7:36 PM  
**To:** Jones, Diane  
**Subject:** Additional Disqualification

Hi Diane.

I hope you are doing well.

This message serves to memorialize the issue we discussed during our most recent conversation regarding the American Academy for Liberal Education (AALE; see <http://www.aale.org/index.php/about-aale/mission>), a 501(c)(3) non-profit, non-partisan and non-sectarian organization. I understand AALE is an accrediting body of liberal education; however, it is not a recognized accrediting body of the Department. You informed me that you provided volunteer services for AALE which ended in January 2017 with the start of the new Administration. I note that your most recent appointment to the Federal government began in November 2017 and in June 2018 you were appointed to the position of Principal Deputy Under Secretary and delegated the duties of the Under Secretary for the Department. If my understanding of these facts is incorrect, please let me know. Although, you

(b)(5)

Marcella

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---

**From:** Jones, Diane  
**Sent:** Thursday, May 24, 2018 8:55 AM  
**To:** Goodridge, Marcella  
**Subject:** RE: Ethics advice needed

Hi Marcella

(b)(5)

Please advise.  
Diane

---

**From:** Goodridge, Marcella  
**Sent:** Thursday, May 24, 2018 8:52 AM  
**To:** Jones, Diane  
**Subject:** RE: Ethics advice needed

Hi Diane.

For your reference, I have pasted your disqualification regarding CEHE below.

(b)(5)

(b)(5)

Marcella

**Center for Excellence in Higher Education**

*You served as an expert witness in a litigation matter for the **Center for Excellence in Higher Education (CEHE)** in November 2017, although your preparations to serve as an expert witness began before that time. The case for which you served as an expert witness involved **College America**, which is owned by CEHE. You have explained that you no longer have any lingering connections with CEHE and have been paid in full for your services as an expert witness. This one year period begins on the final date where you provided services to CEHE. Again, however, although the regulatory disqualification period is one year, the Ethics Pledge extends this disqualification period for an additional year starting with the date of your appointment at Labor. Therefore, the total time period from which you are disqualified from working on specific party matters at the Department where CEHE and/or College America is a party or represents a party is **November 13, 2017 through November 13, 2019**.*

*Please note that this disqualification is particularly relevant because you work in OPE. CEHE is a non-profit 501(c)(3) entity that owns and operates several for-profit institutions of higher education, including College America. I understand CEHE filed a lawsuit against the Department in February 2017 over the Department's*



*(OPE) decision to disapprove CEHE's request to convert College America, and other schools owned by CEHE, from a for-profit institution of higher education to a non-profit entity. Since this is a specific party matter pending in OPE, you are disqualified from working on any and all aspects of both the administrative determination(s) and the pending litigation.*

Marcella

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---

**From:** Jones, Diane  
**Sent:** Wednesday, May 23, 2018 5:44 PM  
**To:** Goodridge, Marcella  
**Subject:** Ethics advice needed

Hi Marcella,

I am recused from working on particular matters related to CEHE.

(b)(5)

(b)(5)

(b)(5)

Thanks  
Diane

Diane Auer Jones  
Senior Advisor  
Office of Postsecondary Education  
U.S. Department of Education  
400 Maryland Ave, SW  
Washington, DC 20202  
202-453-7333  
Diane.jones@ed.gov



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

DATE

MEMORANDUM

TO: Betsy DeVos  
Secretary of Education

FROM: Frank Brogan (b)(6)  
Assistant Secretary for Elementary and Secondary Education

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Ethics Agreement I executed on, prior to my confirmation as Assistant Secretary for the Office of Elementary and Secondary Education. This memorandum also incorporates the recusal obligations set forth in the Conflict of Interest Disqualification memorandum sent to me by Marcella Goodridge, Assistant General Counsel for Ethics on July 10, 2018.

For a period of one year from the date of my resignation from the Pennsylvania State System of Higher Education on September 1, 2017, I will not participate personally and substantially in any particular matter involving specific parties in which the Pennsylvania State System of Higher Education is a party or represents a party if I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in that matter, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d):

In order to help ensure that I do not participate in matters relating to any of the entities listed above, I have taken or will take the following steps:

1. I have instructed Shaina Hilsey, Confidential Assistant for the Office of Elementary and Secondary Education, to screen all matters directed to my attention that involve outside entities that require my participation, to determine if they involve the Pennsylvania State System of Higher Education.
2. If Shaina Hilsey determines that a matter involves the Pennsylvania State System of Higher Education, directly or indirectly, she will refer that matter directly to Jason Botel, Principal Deputy Assistant Secretary for the Office of Elementary and Secondary Education, for action or assignment, without my knowledge or involvement.

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202  
[www.ed.gov](http://www.ed.gov)

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3. I will provide Shaina Hilsey and Jason Botel with a copy of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Jason Botel to seek the assistance of an agency ethics official if he is ever uncertain whether or not I may participate in a matter.
4. I will advise my principal subordinates of my recusal obligations and screening arrangement, as set forth in this memorandum. I also will instruct my principal subordinates that all inquiries and comments involving the Pennsylvania State System of Higher Education should be directed to Jason Botel, without my knowledge or involvement.
5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Shaina Hilsey, Jason Botel, and my principal subordinates.

Attachments: Ethics Agreement of and Disqualification Statement of Assistant Secretary Frank Brogan

cc: Office of Government Ethics  
Marcella Goodridge, Designated Agency Ethics Official





UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

July 10, 2018

MEMORANDUM

TO: Frank Brogan  
Assistant Secretary for Elementary and Secondary Education  
(b)(6)

FROM: Marcella Goodridge  
Assistant General Counsel for Ethics

RE: Conflict of Interest Disqualification

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity for which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

For a period of one year from the date of your resignation from the Pennsylvania State System of Higher Education on September 1, 2017, you are prohibited from participating personally and substantially in any particular matter involving specific parties in which the Pennsylvania State System of Higher Education is a party or represents a party if you determine that a reasonable person with knowledge of the relevant facts would question your impartiality in that matter, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I understand that Shaina Hilsey, Confidential Assistant for the Office of Elementary and Secondary Education, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. If you have questions about this disqualification, please feel free to call me at (202) 401-0496.

cc:  
Shaina Hilsey  
Marcella Goodridge  
Jason Botel

<b>CERTIFICATION OF ETHICS AGREEMENT COMPLIANCE</b> Senate Confirmed Presidential Appointee		
1. Appointee's Information	a. Appointee's Name:	to be completed by OGE: <b>Frank T. Brogan</b>
	b. Position Title:	to be completed by OGE: <b>Assistant Secretary for Elementary and Secondary Education</b>
	c. Agency:	to be completed by OGE: <b>Department of Education</b>
	d. Date Ethics Agreement Signed:	to be completed by OGE: <b>December 20, 2017</b>
	e. Date Confirmed:	to be completed by OGE: <b>June 25, 2018</b>
	f. Due Date for Certification of Ethics Agreement Compliance:	to be completed by OGE: <b>October 2, 2018</b>
2. Resignations	<i>I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
3. Divestitures	a. <i>I have completed all of the divestitures indicated in my ethics agreement. I also understand that I may not repurchase these assets during my appointment without OGE's prior approval.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
	b. <i>I have filed a period transaction report, or periodic transaction reports, (OGE Form 278-T) to disclose the completion of these agreed upon divestitures.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Filing Date(s) of OGE Form 278-T Report(s):
4. Managed Accounts	<i>If I have a managed account or use the services of an investment professional, I have notified the manager or professional of the limitations indicated in my ethics agreement. In addition, I am continuing to monitor purchases.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
5. Interim Recusals	<i>I complied with my interim recusal obligations pending the divestitures required by my ethics agreement.</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A

THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE. 1

Frank T. Brogan

<p>6.</p> <p>Recusals</p> <p>(Note: These factual statements describe the appointee's current status. They are not intended to modify ethics agreement commitments or create new recusal obligations.)</p>	<p>a. I am recusing from particular matters in which I know I have a <u>personal</u> or <u>imputed</u> financial interest directly and predictably affected by the matter, unless I have received a waiver or qualify for a regulatory exemption.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
	<p>b. I am recusing from particular matters in which any former employer or client I served in the past year is a party or represents a party, unless I have been authorized under 5 C.F.R. § 2635.502(d).</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p>
	<p>c. I am recusing from particular matters in which any former employer or client I served in the two years prior to my appointment is a party or represents a party, unless I have received a waiver under Exec. Order 13770.</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
<p>7.</p> <p>Waivers and Authorizations</p>	<p>a. I received a waiver pursuant to 18 U.S.C. § 208.</p> <p>If yes, indicate the date of the waiver and indicate the financial interest covered by the waiver.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Financial interest:</p>
	<p>b. I received a waiver pursuant to Executive Order 13770.</p> <p>If yes, indicate the date of the waiver and the subject of the waiver (i.e., applicable paragraph of the ethics pledge, parties, particular matters, specific issue areas, as applicable).</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Subject:</p>
	<p>c. I received an authorization pursuant to 5 C.F.R. § 2635.502(d).</p> <p>If yes, indicate date of authorization and identify the covered person(s) as to whom you have been authorized (e.g., former employer, former client, spouse's employer, spouse's current client, etc.).</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Covered person(s):</p>
	<p>d. I received a waiver pursuant to 5 C.F.R. § 2635.503(e).</p> <p>If yes, indicate the date of the waiver and identify the former employer or payer.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Date:</p> <p>Former employer or payer:</p>

THIS CERTIFICATION WILL BE POSTED FOR PUBLIC VIEWING ON OGE'S WEBSITE. 2



## Sprague, Marcia

---

**From:** Sprague, Marcia  
**Sent:** Wednesday, January 31, 2018 10:55 AM  
**To:** Brogan, Frank  
**Subject:** Ethics Guidance

**Sensitivity:** Confidential

**Tracking:** Recipient  
Brogan, Frank

**Read**  
Read: 1/31/2018 12:37 PM

Hi Frank --

Hope you are doing well. I just heard that you are assuming the position of Acting Assistant Secretary of the Office of Postsecondary Education (OPE) in addition to your positions as Principal Deputy Assistant Secretary and Acting Assistant Secretary of the Office of Planning, Evaluation, and Policy Development (OPEPD). Given that you will have new duties with this new position, I am writing to remind you of the following ethics guidance. Please note that this ethics guidance is separate from the Ethics Agreement you signed on December 20, 2017 relating to the White House's nomination of you to serve as Assistant Secretary for Elementary and Secondary Education, which advice is applicable in the event you are confirmed to that position.

As required by 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in any particular matter that has a direct and predictable effect on your financial interests or on those of any person whose financial interests are imputed to you under the statute, unless you first obtain a waiver, pursuant to 18 U.S.C. § 208(b)(1) or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to you under the statute: any spouse or minor child of yours; any general partner of a partnership in which you are a limited or general partner; any organization in which you serve as officer, director, trustee, general partner or employee; and any person or organization with which you are negotiating or have an arrangement concerning prospective employment.

Specifically, you confirmed that you resigned from your position with the Pennsylvania State System of Higher Education<sup>1</sup> on September 1, 2017. For a period of one year from that date (through September 1, 2018), you are prohibited from participating personally and substantially in any particular matter involving specific parties in which the Pennsylvania State System of Higher Education is a party or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

While the following guidance may not affect you at this point, I want to remind you of how the ethics laws generally apply to financial interests in stocks and sector funds.

Regarding stock interests, absent application of a regulatory exemption under 18 U.S.C. § 208(b)(2) or a waiver under 18 U.S.C. § 208(b)(1), pursuant to 18 U.S.C. § 208, any U.S. Department of Education (Department) employee is prohibited from participating personally and substantially in an official capacity in any particular matter that would have a direct and predictable effect on the employee's financial interests, which include the financial interests of any entity in which the employee owns stock. This disqualification applies to both particular matters of general applicability (e.g., rulemaking, policy matters, etc.) and particular matters involving specific parties (e.g., grants, contracts, etc.)

Regarding sector funds, if the aggregate value of a Department employee's financial interest in a sector mutual fund that concentrates in any one sector exceeds \$50,000, the employee is prohibited from participating personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of any holdings of the fund that are in the specific sector in which the fund concentrates, unless the employee first obtains a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Example: A U.S. Department of Education employee owns \$65,000 worth of shares in the XYZ Schools Fund, a sector mutual fund invested primarily in for-profit schools. The employee is prohibited from participating in any particular matter having a direct and predictable effect on the financial interests of for-profit schools.

Please let me know if you have any questions regarding this advice.

Thanks,

Marcia

*Marcia Sprague  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Ave., SW  
Room 6E239  
Washington, D.C. 20202  
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202-260-5104 (fax)*

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<sup>1</sup> All references to the Pennsylvania State System of Higher Education include, without limitation, the Governor's Roundtable on Higher Education Affordability and the Chancellor's Blog.

## Sprague, Marcia

---

**From:** Sprague, Marcia  
**Sent:** Thursday, March 15, 2018 2:18 PM  
**To:** Jones, Diane  
**Subject:** Ethics Guidance

**Sensitivity:** Confidential

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Jones, Diane	Read: 3/15/2018 3:25 PM

Diane –

In writing the paper, you personally provided consulting services to the **American Enterprise Institute (AEI)** within the two years before your appointment date at the U.S. Department of Labor. As you know, pursuant to Executive Order 13770 (January 28, 2017) and the ethics pledge you signed, you must not, for a period of two years from the date of your appointment, November 13, 2017, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employer or former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested parties. A “former employer” includes any entity for which you have, within the two years prior to the date of your appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A “former client” includes any entity for which you have personally served as agent or consultant in the two years prior to your appointment. In addition to the entities already listed in the ethics guidance you received from Marcella Goodridge on February 28, 2018, you are subject to this two-year disqualification with respect to The American Enterprise Institute.

Please let me know if you have questions regarding this guidance.

Marcia

*Marcia Sprague  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Ave., SW  
Room 6E225  
Washington, D.C. 20202  
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202-401-8309 (ethics)  
marcia.sprague@ed.gov  
202-260-5104 (fax)*

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**From:** Jones, Diane  
**Sent:** Tuesday, March 13, 2018 7:25 AM



## Sprague, Marcia

---

**From:** Sprague, Marcia  
**Sent:** Tuesday, March 28, 2017 2:30 PM  
**To:** Lee, Ebony  
**Subject:** RE: Ethics and Financial Disclosure

**Sensitivity:** Confidential

Hi Ebony –

I am sending this again to change one word in the last line of the second paragraph – changing “would” to “to” (in red below).

Thanks.  
Marcia

---

**From:** Sprague, Marcia  
**Sent:** Tuesday, March 28, 2017 2:13 PM  
**To:** Lee, Ebony  
**Subject:** RE: Ethics and Financial Disclosure  
**Sensitivity:** Confidential

Hi Ebony –

I am getting back to you with ethics guidance relating to your former uncompensated positions as a member of the advisory committee of the National Association of Charter School Authorizers, a non-profit organization, and of the National Charter School Resource Center, a federal resource center, as follows:

We have determined that your relationships with the National Association of Charter School Authorizers and with the National Charter School Resource Center would not be considered former employment pursuant to Executive Order 13770 (January 28, 2017) and your ethics pledge. We have also determined that these relationships would not be considered *covered relationships* under 5 C.F.R. § 2635.502, which, to avoid the appearance of the lack of impartiality, disqualifies you, as a federal employee, from participating personally and substantially in any particular matter in which a person with whom you have a *covered relationship*, is or represents, a party. However, pursuant to 5 C.F.R. §2635.502(a)(2), because we believe that your participating in particular matters in which either of these entities is a party could raise appearance issues, should you become concerned that circumstances arise that raise a question regarding your impartiality and you think that a reasonable person would question that impartiality, you should not participate in that particular matter. Please feel free to contact us for assistance in considering whether a relationship would cause a reasonable person to question your impartiality. 5 C.F.R. §2635.502(a)(1).

Also, for your convenience, I am repeating the earlier advice given to with regard to the Bill & Melinda Gates Foundation here. Pursuant to Executive Order 13770 (January 28, 2017), and the ethics pledge you signed, you must not, for a period of two years from the date of your appointment, February 2, 2017, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability (e.g., rulemaking, policy matter, etc.), unless the meeting or other communication is open to all interested

parties. A "former employer" includes any entity for which you have, within the two years prior to the date of your appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as agent or consultant in the two years prior to your appointment. You are subject to this two-year disqualification with respect to the following entity: **Bill & Melinda Gates Foundation**.

Please let me know if you have any questions.

Thanks,  
Marcia

*Marcia Sprague  
Attorney, Ethics Division  
Office of the General Counsel  
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**From:** Lee, Ebony  
**Sent:** Monday, March 27, 2017 10:26 AM  
**To:** Sprague, Marcia  
**Subject:** RE: Ethics and Financial Disclosure  
**Sensitivity:** Confidential

Okay, I will try to make it around 2:30ish. Thanks for your flexibility!!

---

**From:** Sprague, Marcia  
**Sent:** Monday, March 27, 2017 10:08 AM  
**To:** Lee, Ebony  
**Subject:** RE: Ethics and Financial Disclosure  
**Sensitivity:** Confidential

Ebony --

I normally leave at 2 on Monday but can definitely stay to take care of this at 3. I will need to leave no later than 3:20 to get to a meeting, but I think that should give us enough time.

Thanks.  
Marcia

## Barren, Morris

---

**From:** Barren, Morris  
**Sent:** Friday, May 19, 2017 3:08 PM  
**To:** Riemer, Jeffrey (Justin)  
**Subject:** Ethics Advice

**Importance:** High

Hi Justin,

Thank you for the updates you have made to your Public Financial Disclosure Report (Report) and for speaking yesterday. Though your report is still being reviewed and updated, I provide the following ethics advice based upon the information currently in your report. If needed, I will update this advice once your Report is completed.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

### Stocks

You own stock in several organizations. Under 18 U.S.C. § 208, you are disqualified from participating personally and substantially, in your official Department capacity, in any particular matter that has a direct and predictable effect on your financial interests, including those of any organization in which you own stock, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

There is an exemption applicable to stock ownership. Specifically, the so-called "de minimis exemption" may provide some relief in different ways. First, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). For example, if the value of your stock holding in Apple Inc. exceeded \$15,000, you would need to disqualify yourself from participating in any specific party matter at the Department that could affect this financial interest. For your information, "particular matters involving specific parties" include an application, a lawsuit, a grant, a contract, a claim, a controversy, an investigation, a charge, an accusation, or an arrest. 5 C.F.R. § 2640.102(l).

In addition, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities that are not parties to the matter but that are affected by the matter, if: 1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all affected entities does not exceed \$25,000. 5 C.F.R. § 2640.202(b).

Furthermore the de minimis exemption allows you to participate in *any particular matter of general applicability*, such as a rulemaking or a policy matter, in which the disqualifying financial interest arises from the ownership by you, your



spouse, or your minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

#### Spousal Income

Your spouse is employed with the **State of Maryland Judiciary**. Pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter before the Department that has a direct and predictable effect on your spouse's compensation or employment with the **State of Maryland Judiciary**, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in any particular matter involving specific parties in which the **State of Maryland Judiciary** is a party or represents a party, unless you first obtain an authorization pursuant to 5 C.F.R. § 2635.502(d).

#### **Two-Year Ban**

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on February 13, 2017, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with respect to the following entities:**

- **Republican National Committee**
- **JJR Consulting, LLC**
- **Republican National Lawyers Association**

Please let me know if you have any questions.

**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

June 20, 2018

MEMORANDUM

TO: Carlos Genaro Muniz  
General Counsel

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on June 12, 2017 is attached to this disqualification.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to the following organizations:

- McGuireWoods LLP
- McGuireWoods Consulting

- American Resort Development Association
- Career Education Corporation
- NetSpend
- AT&T
- Linq3 Technologies Inc.
- North Broward Hospital District (d/b/a Broward Health)
- Private Label Skin
- Advocacy Group at Cardenas Partners
- Purdue Pharma LP
- Wheels Financial Group LLC (d/b/a Loan Mart)
- Trafigura Trading LLC
- The Accounting Coalition
- Direct Selling Association
- MiMedx
- Sterling Partners
- American Beverage Association

Additionally, you personally provided services to the University of Florida while you were employed with McGuire Woods<sup>1</sup>. For a period of one year after you last provided services to the University of Florida, you are prohibited from participating personally and substantially in any particular matter involving specific parties in which you know the University of Florida is a party or represents a party, unless you are first authorized to participate by the Ethics Division, pursuant to 5 C.F.R. § 2635.502(d).

I understand that your Confidential Assistant, Patrick Shaheen, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. Rob Wexler, Senior Counsel, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Morris Barren at (202) 401-6025.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Patrick Shaheen  
Rob Wexler

---

<sup>1</sup> It is my understanding that you also provided services to Florida State University while employed with McGuire Woods. However, when you were appointed to the Department, it had been more than 1 year since you last provided services to the school. As a result, you are not prohibited, under 5 C.F.R. § 2635.502, from participating in matters involving Florida State University.





## UNITED STATES DEPARTMENT OF EDUCATION

June 20, 2018

### MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

FROM: Carlos Genaro Muniz  
General Counsel

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Disqualification Memorandum issued to me by the Designated Agency Ethics Official on June 20, 2018, concerning my position as the General Counsel.

Pursuant to the Ethics Pledge that I signed upon entering service at the Department, I will not, for a period of two years from the date of my appointment, participate in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. I understand that this disqualification covers meetings or other communications with my former employers and former clients, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the two years prior to the date of my appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent or consultant in the two years prior to my appointment. I am subject to this two-year disqualification with respect to the following organizations:

- McGuireWoods LLP
- McGuireWoods Consulting
- American Resort Development Association
- Career Education Corporation
- NetSpend
- AT&T
- Linq3 Technologies Inc.
- North Broward Hospital District (d/b/a Broward Health)
- Private Label Skin
- Advocacy Group at Cardenas Partners
- Purdue Pharma LP

- Wheels Financial Group LLC (d/b/a Loan Mart)
- Trafigura Trading LLC
- The Accounting Coalition
- Direct Selling Association
- MiMedx
- Sterling Partners
- American Beverage Association

Additionally, I personally provided services to the University of Florida while I was employed with McGuire Woods. For a period of one year after I last provided services to the University of Florida, I will not participate personally and substantially in any particular matter involving specific parties in which I know the University of Florida is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

In order to help ensure that I do not participate in matters relating to any of the entities listed above, I have taken or will take the following steps:

1. I have instructed my Confidential Assistant, Patrick Shaheen, to screen all Department matters directed to my attention that involve outside entities that require my participation, to determine if they involve any of the entities listed above.
2. If Patrick Shaheen determines that a matter involves any of the entities listed above, directly or indirectly, he will refer them to Rob Wexler, Senior Counsel, for action or assignment, *without* my knowledge or involvement.
3. I will provide Patrick Shaheen and Rob Wexler with a copy of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Patrick Shaheen to seek the assistance of an agency ethics official if he is ever uncertain whether or not I may participate in a matter.
4. I will provide a copy of this memorandum to my principal subordinates. I also will instruct my principal subordinates that all inquiries and comments involving any of the entities listed above should be directed to Rob Wexler, *without* my knowledge or involvement.
5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Patrick Shaheen, Rob Wexler, and my principal subordinates.

Attachment: Disqualification Memorandum dated June 20, 2018

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Patrick Shaheen  
Rob Wexler



## Barren, Morris

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**From:** Barren, Morris  
**Sent:** Thursday, April 26, 2018 2:34 PM  
**To:** Muniz, Carlos  
**Cc:** Goodridge, Marcella (Marcella.Keiller@ed.gov)  
**Subject:** Matters of General Applicability & Specific Party Matters

Hi Carlos,

During your ethics briefing, you mentioned that your immediate concern is (b)(5)

(b)(5)

(b)(5)

I provide the following guidance to assist you in understanding this area and your disqualifications with certain former employers and former clients (e.g., McGuireWoods LLP, Career Education Corporation).

### Particular Matters of General Applicability

Particular matters of general applicability are matters that are focused on a discrete and identifiable class of parties. These are matters focused on a class of entities (or individuals) that have shared characteristics or traits that make them distinguishable from the general population. Participation in these matters is, generally, not prohibited by the impartiality rules in the Standards of Ethical Conduct or by the Ethics Pledge. A specific example in the Standards of Ethical Conduct provides that regulations establishing safety standards for trucks on interstate highways are particular matters of general applicability. (2635.402(b)(3) Ex. 2). So, in a context applicable to ED, a regulation affecting all institutions of higher education or all for-profit institutions of higher education may be considered a matter of general applicability. Since you do not have a financial interest in any former employer or former client, nor do you hold a position that would impute an entity's financial interests to you (i.e., a fiduciary relationship), your disqualifications do not fall under the criminal conflict of interest statute at 18 U.S.C. § 208. This means that your past relationships with certain former employers or former clients do not prohibit you from participating in matters of general applicability that may have an effect on such entities.

### Particular Matters Involving Specific Parties

Your disqualifications with certain former employers and former clients do fall under the Standards of Ethical Conduct and the Ethics Pledge you signed. This means that you are prohibited from participating in particular matters at ED where one of the entities from which you are disqualified is a party, or represents a party. These types of matters are known as particular matters involving specific parties.

### Standards of Conduct

You are prohibited from participating in ED matters where an entity with which you have a disqualification is a party to the matter or represents a party in the matter. In DAEOgram DO-06-029, Oct. 4, 2006, the Office of Government Ethics (OGE) states that the term particular matter involving specific parties "typically involves a specific proceeding affecting the legal rights of the parties, or an isolatable transaction or related set of transactions between identified parties." 5 C.F.R. § 2640.102(1). Examples of particular matters involving specific parties include contracts, grants, licenses, product approval applications, investigations, and litigation. OGE has also stated that, usually, rulemaking and legislation are not covered by the term particular matter involving specific parties, unless they focus narrowly on identified parties. See OGE Informal Advisory Opinions 96 x 7. So, where rulemaking or legislation is so focused on the rights of specifically identified parties, it may be considered a particular matter involving specific parties. An example would be a piece of legislation affecting three parties.

## Ethics Pledge

In addition to the types of specific party matters covered by the Standards of Conduct (e.g., contracts, litigation, etc.), under the Ethics Pledge, the disqualification for particular matters involving specific parties covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment.

I hope this helps, and feel free to contact me with any questions.

**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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## Barren, Morris

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**From:** Barren, Morris  
**Sent:** Thursday, July 05, 2018 2:42 PM  
**To:** Talbert, Kent  
**Subject:** Ethics Advice

**Importance:** High

Hi Kent,

Thank you for meeting and providing the information needed to complete your Public Financial Disclosure Report (Report). I provide the following ethics guidance based upon our communications and the information in your Report.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

### Stocks

You own several organizations, including Bank of America Corp. and Wells Fargo & Co. Under 18 U.S.C. § 208, you are disqualified from participating personally and substantially, in your official Department capacity, in any particular matter that has a direct and predictable effect on your financial interests, including those of any organization in which you or your spouse own stock, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

There is an exemption applicable to stock ownership. Specifically, the so-called “de minimis exemption” may provide some relief in different ways. First, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). For example, if the value of your holdings in Bank of America Corp. exceeded \$15,000, you would need to disqualify yourself from participating in any specific party matter at the Department that could affect this financial interest. For your information, “particular matters involving specific parties” include an application, a lawsuit, a grant, a contract, a claim, a controversy, an investigation, a charge, an accusation, or an arrest. 5 C.F.R. § 2640.102(i).

In addition, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of *securities issued by one or more entities that are not parties to the matter* but that are affected by the matter, if: 1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all affected entities does not exceed \$25,000. 5 C.F.R. § 2640.202(b).

Furthermore the de minimis exemption allows you to participate in *any particular matter of general applicability*, such as a rulemaking or a policy matter, in which the disqualifying financial interest arises from the ownership by you, your



spouse, or your minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

### **Two-Year Ban**

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on January 23, 2018, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with the following entities:**

- **Kent D. Talbert, PLLC**
- **Bridgepoint Education**
- **National College of Kentucky**
- **Southern Methodist University**
- **K12 Inc.**

### **Kent D. Talbert, PLLC**

You are the sole proprietor of Kent D. Talbert, PLLC, a law firm. According to our communications and a note in your financial disclosure report, you ceased operations and closed the firm to the public before your appointment. You have since been engaged in the administrative closing of the firm. The firm has no outstanding receivables due from clients. You will not perform any services, except that you will perform activities required to legally bring the firm to a close. Pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter that to your knowledge has a direct and predictable effect on the financial interests of Kent D. Talbert, PLLC.

### **Personal Representative of Estate**

You are the unpaid personal representative of The Estate of (b)(6). You may not participate personally and substantially in any particular matter that to your knowledge has a direct and predictable effect on the financial interests of The Estate of (b)(6) or its underlying assets, unless you first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

Please let me know if you have any questions.

**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

April 13, 2018

MEMORANDUM

TO: Douglas Wayne Webster  
Chief Financial Officer

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for ~~Regimes and~~  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on November 13, 2017 is attached to this disqualification.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity for which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to George Washington University, Pentagon Federal Credit Union and The Pentagon Federal Credit Union Foundation.

Additionally, you retain, in name only, your position as a Fellow in the National Academy of Public Administration and receive royalties from John Wiley & Sons Inc. for sales of your book, *Managing Risk and Performance: A Guide for Government Decision Makers*. You are prohibited from participating personally and substantially in any particular matter involving specific parties in which the National Academy of Public Administration or John Wiley & Sons Inc. is a party, or represents a party, unless you are first authorized to participate by the ethics office, pursuant to 5 C.F.R. § 2635.502(d).

I understand that your Executive Officer, Jennifer Sheriff-Parker, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. The Deputy Chief Financial Officer, Tim Soltis, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Morris Barren at (202) 401-6025.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Jennifer Sheriff-Parker





UNITED STATES DEPARTMENT OF EDUCATION

April 13, 2018

MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

FROM: Douglas Wayne Webster  
Chief Financial Officer

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Disqualification Memorandum issued to me by the Designated Agency Ethics Official on April 13, 2018, concerning my position as the Chief Financial Officer.

Pursuant to the Ethics Pledge that I signed upon entering service at the Department, I will not, for a period of two years from the date of my appointment, participate in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. I understand that this disqualification covers meetings or other communications with my former employers and former clients, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the two years prior to the date of my appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent or consultant in the two years prior to my appointment. I am subject to this two-year disqualification with respect to George Washington University, Pentagon Federal Credit Union and The Pentagon Federal Credit Union Foundation.

Additionally, I retain, in name only, my position as a Fellow in the National Academy of Public Administration and receive royalties from John Wiley & Sons Inc. for sales of my book, *Managing Risk and Performance: A Guide for Government Decision Makers*. I am prohibited from participating personally and substantially in any particular matter involving specific parties in which the National Academy of Public Administration or John Wiley & Sons Inc. is a party, or represents a party, unless I am first authorized to participate by the ethics office, pursuant to 5 C.F.R. § 2635.502(d).

In order to help ensure that I do not participate in matters relating to any of the entities listed above, I have taken or will take the following steps:

1. I have instructed my Executive Officer, Jennifer Sheriff-Parker, to screen all Department matters directed to my attention that involve outside entities that require my participation, to determine if they involve any of the entities listed above.
2. If Jennifer Sheriff-Parker determines that a matter involves any of the entities listed above, directly or indirectly, she will refer them to the Deputy Chief Financial Officer, Tim Soltis, for action or assignment, *without* my knowledge or involvement.
3. I will provide Jennifer Sheriff-Parker and Tim Soltis with a copy of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Jennifer Sheriff-Parker to seek the assistance of an agency ethics official if she is ever uncertain whether or not I may participate in a matter.
4. I will provide a copy of this memorandum to my principal subordinates. I also will instruct my principal subordinates that all inquiries and comments involving any of the entities listed above should be directed to Tim Soltis, *without* my knowledge or involvement.
5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Jennifer Sheriff-Parker, Tim Soltis, and my principal subordinates.

Attachment: Disqualification Memorandum dated April 13, 2018

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Jennifer Sheriff-Parker  
Tim Soltis

## Barren, Morris

---

**From:** Barren, Morris  
**Sent:** Thursday, August 03, 2017 9:56 AM  
**To:** Richey, Kimberly  
**Subject:** Ethics Advice  
  
**Importance:** High

Sorry. I corrected the date you signed the Ethics Pledge.

---

**From:** Barren, Morris  
**Sent:** Thursday, August 03, 2017 9:52 AM  
**To:** Richey, Kimberly  
**Subject:** Ethics Advice  
**Importance:** High

Hi Kim,

Thank you for meeting yesterday and reviewing the updates made to your Public Financial Disclosure Report (Report). With your Report completed, I provide the following ethics advice based upon our conversations and the information in your Report.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

### Two-Year Ban

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on June 19, 2017, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with the following entities:**

- **National School Boards Association**
- **Positive Changes LLC**

Please let me know if you have any questions.



**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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## Barren, Morris

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**From:** Barren, Morris  
**Sent:** Wednesday, October 18, 2017 11:35 AM  
**To:** Menashi, Steven  
**Subject:** Ethics Advice (Updated)

**Importance:** High

Hi Steven,

Again, thank you for the information. I added the list of clients you provided to Part 4 (Filer's Sources of Compensation Exceeding \$5,000 in a Year) of your Public Financial Disclosure Report. Also, please see below for updated ethics advice that replaces the advice I provided on October 03, 2017.

### Financial Conflict

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

#### George Mason University

Since you are employed by **GMU**, under the Federal conflict of interest statute at 18 U.S.C. § 208(a), you are disqualified from participating personally and substantially, in your official capacity at the Department, in any particular matter that has a direct and predictable effect on the financial interests of **GMU**. However, under the Standards of Ethical Conduct for Employees of the Executive Branch, a Federal employee on a full leave of absence from an institution of higher education may participate in any particular matter of general applicability (e.g., legislation, policy matter or rulemaking) affecting the financial interests of the institution from which he is on leave, provided that the matter will not have a "special or distinct effect" on that institution other than as part of a class. 5 C.F.R. § 2640.203(b). Therefore, since you are on a full leave of absence from **GMU**, you qualify for the regulatory exemption at 5 C.F.R. § 2640.203(b). This means, for example, you may work on a matter of general applicability related to a Department program affecting the financial interests of all universities. However, please note that you may not participate in 1) any particular matter involving **GMU** alone or 2) any particular matter of general applicability that would have a distinct or special effect on **GMU**, or a small group of universities that includes **GMU**.

With this said, **GMU** continues to pay for life insurance and long-term disability insurance for you. As a result, you may not participate personally and substantially in any particular matter before the Department that has a direct and predictable effect on the ability or willingness of **GMU** to provide these benefits to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Though a violation of this disqualification is unlikely, I provide this piece of advice for your awareness.

Finally, as you are aware, pursuant to the Standards of Ethical Conduct for Employees of the Executive Branch, absent a written authorization, you are disqualified from participating in any particular matter, in your official Department capacity, in which **GMU** is a party or represents a party, unless first authorized by our office to participate. See 5 C.F.R. § 2635.502(d).

## Stocks

You and your spouse own stock in Pfizer, Inc., Kansas City STHN, and Comcast Corp. Under 18 U.S.C. § 208, you are disqualified from participating personally and substantially, in your official Department capacity, in any particular matter that has a direct and predictable effect on your financial interests, including those of any organization in which you or your spouse own stock, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

There is an exemption applicable to stock ownership. Specifically, the so-called “de minimis exemption” may provide some relief in different ways. First, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. 5 C.F.R. § 2640.202(a). For example, since the value of your spouse’s stock holding in Comcast Corp. exceeds \$15,000, you must disqualify yourself from participating in any specific party matter at the Department that could affect this financial interest. For your information, “particular matters involving specific parties” include an application, a lawsuit, a grant, a contract, a claim, a controversy, an investigation, a charge, an accusation, or an arrest. 5 C.F.R. § 2640.102(f).

In addition, the de minimis exemption allows you to participate in *any particular matter involving specific parties* in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities that are not parties to the matter but that are affected by the matter, if: 1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all affected entities does not exceed \$25,000. 5 C.F.R. § 2640.202(b).

Furthermore the de minimis exemption allows you to participate in *any particular matter of general applicability*, such as a rulemaking or a policy matter, in which the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. 5 C.F.R. § 2640.202(c).

## Spousal Income

Your spouse is employed with **Palisades Media Ventures LLC**. Pursuant to the Federal conflict of interest statute, 18 U.S.C. § 208, you may not participate personally and substantially in any particular matter before the Department that has a direct and predictable effect on your spouse’s compensation or employment with **Palisades Media Ventures LLC**, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in any particular matter involving specific parties in which **Palisades Media Ventures LLC** is a party or represents a party, unless you first obtain an authorization pursuant to 5 C.F.R. § 2635.502(d).

## **Two-Year Ban**

Pursuant to Executive Order 13770 (1/28/17) and the ethics pledge you signed on May 19, 2017, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A “former employer” includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A “former client” includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two-year disqualification with the following entities:**



- New York University
- Kirkland & Ellis LLP
- American Federation for Children
- Amneal Pharmaceuticals
- BP America
- Centurylink Inc.
- GlaxoSmithKline PLC
- IBM Corporation
- Johnson and Johnson
- Ranbaxy Inc.
- Safelite Group Inc.
- Special Committee of Independent Directors of Sauer-Danfoss Inc.
- Sun Pharmaceutical Industries Ltd.
- Teva Pharmaceuticals North America
- Third Point LLC
- Upsher-Smith Laboratories Inc.
- Verizon Communications Inc.

Please let me know if you have any questions.

**Morris Barren**

Attorney

**Office of the General Counsel, Ethics Division**

U.S. Department of Education

(202) 401-6025

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**From:** Barren, Morris

**Sent:** Wednesday, October 11, 2017 3:16 PM

**To:** Menashi, Steven

**Subject:** RE: Ethics Advice

Thanks, Steven. I will add the list of clients to your report. I will also update your ethics advice to reflect that your wife is no longer employed by (b)(6). Before I send you updated ethics advice, I am first going to make sure that the exemption for employees on leave from institutions of higher education still applies when the institution continues to pay for the employee's life insurance and long-term disability insurance while on leave.

Thanks,

Morris

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**From:** Menashi, Steven

**Sent:** Tuesday, October 10, 2017 6:44 PM



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

August 29, 2018

MEMORANDUM

TO: Kenneth Lawrence Marcus  
Assistant Secretary for Civil Rights

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics  
Designated Agency Ethics Officer

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on August 31, 2017 is attached to this disqualification.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to the following organizations and people:

- The Louis D. Brandeis Center for Human Rights Under Law
- The Organization for Security and Co-operation in Europe

- Eliana Kopley
- Michael Rockland
- Michael Barton
- Charles Kupfer
- Simon Bronner

Additionally, you personally provided services to the Journal for the Study of Antisemitism. For a period of one year after you last provided services to the Journal for the Study of Antisemitism, you are prohibited from participating personally and substantially in any particular matter involving specific parties in which you know the Journal for the Study of Antisemitism is a party or represents a party, unless you are first authorized to participate by the Ethics Division, pursuant to 5 C.F.R. § 2635.502(d).

You also have an agreement to receive royalties from Cambridge University Press for sales of your book, *Jewish Identity & Civil Rights in America*. You are prohibited from participating personally and substantially in any particular matter involving specific parties in which you know Cambridge University Press is a party or represents a party, unless you are first authorized to participate by the Ethics Division, pursuant to 5 C.F.R. § 2635.502(d).

Furthermore, your spouse is employed with Stratford Capital Group. You are prohibited from participating personally and substantially in any particular matter that to your knowledge has a direct and predictable effect on your spouse's compensation or employment with Stratford Capital Group. You are further prohibited from participating personally and substantially in any particular matter involving specific parties in which Stratford Capital Group is a party, or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). This disqualification will remain in effect for as long as your spouse is employed with Stratford Capital Group.

I understand that your Confidential Assistant, Chelsea Henderson, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. William Trachman, Deputy Assistant Secretary for Civil Rights, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Morris Barren at (202) 401-6025.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Chelsea Henderson  
William Trachman



**Shields, Michael L. (OGC)**

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**From:** Shields, Michael L. (OGC)  
**Sent:** Monday, March 27, 2017 7:12 PM  
**To:** Ham, Holly  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Ethics Pledge)

Dear Holly,

While you are waiting for the revisions to your New Entrant Report, I wanted to provide you with the relevant ethics advice concerning your prior employer, Hewlett Packard Enterprise.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity as a Department of Education ("Department") employee, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge you signed when you came to the Department, you may not, for a period of two years from the date of your appointment (January 20, 2017), participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for whom you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two year disqualification (January 20, 2017 – January 20, 2019) with respect to the following organization:

Hewlett Packard Enterprise

Let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)

## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, March 31, 2017 5:19 PM  
**To:** Ham, Holly  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock & Sector Mutual Fund Ownership Advice)

Dear Holly,

I am pleased to inform you that your New Entrant OGE e-Form 278 Public Financial Disclosure Report ("New Entrant Report") was certified by the Ethics Division today, March 31, 2017. Thanks to you and Mikel for your cooperation and patience.

As you are aware, under the Federal conflict of interest statute at 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in your official capacity as a Department of Education ("Department") employee in any particular matter that, to your knowledge, has a direct and predictable effect on your financial interests or on those of any person whose interests are imputed to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). You are considered to have a financial interest in any entity you, your spouse or your dependent child has an ownership interest in and this includes stock ownership or ownership in other securities like sector mutual funds.

However, a de minimis exemption to the conflict of interest statute allows you to participate in any particular matter involving specific parties where the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. So, for example, if the value of your spouse's stock holdings in Navient added up to more than \$15,000, you would need to disqualify yourself from participating in any particular matter involving specific parties here at the Department that could affect Navient's financial interests. The term "particular matter involving specific parties" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, grant, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties. 5 C.F.R. § 2640.102(l). The term typically involves a specific proceeding affecting the legal rights of the parties, or an isolatable transaction or related set of transactions between identified parties and includes some meetings. Id.

In addition, another de minimis exemption to the conflict of interest statute allows you to participate in any particular matter of general applicability (i.e., legislation, policy matters or regulatory rulemakings) in which the disqualifying financial interest arises from the ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. By way of example, you would be prohibited from drafting regulations that would affect the interest rates that banks can charge on student loans (a particular matter of general applicability) if you own more than \$25,000 worth of publicly-traded stock in a bank that provides student loans (i.e., Wells Fargo Bank), or own over \$50,000 worth of publicly-traded stock in several banks that provide student loans (i.e., Discover Financial Services, SunTrust Bank and Wells Fargo Bank).

That said, you indicated on your New Entrant Report that your spouse owns restricted stock units in Morgan Stanley, which is a type of stock appreciation right. That means, pursuant to 18 U.S.C. § 208(a), you are disqualified from participating personally and substantially in your official capacity as a Department employee in any particular matter that has a direct and predictable effect on the financial interests of Morgan Stanley, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). This disqualification applies to particular matters involving specific parties (i.e., grants, contracts, some meetings) as well as

particular matters of general applicability (i.e., legislation, policy matters, regulatory rulemakings). Please also keep in mind that because your spouse currently owns the restricted stock units in Morgan Stanley, the above-referenced de minimis exemptions for securities do not apply for as long as he owns the restricted stock units.

Lastly, pursuant to 5 C.F.R. § 2640.201(b)(2)(i), a Federal employee may participate in a particular matter affecting one or more holdings of a sector mutual fund where the disqualifying financial interest in the matter arises because of ownership of an interest in the fund and the aggregate market value of interests in any sector mutual fund or funds does not exceed \$50,000. Therefore, as long as the aggregate value of yours, your spouse's or dependent child's ownership interest in a specific sector mutual fund is below \$50,000, you may participate in any particular matter at the Department affecting the underlying holdings of that sector mutual fund without running afoul of the criminal conflict of interest statute at 18 U.S.C. § 208(a). For example, if the aggregate market value of your spouse's ownership interest in the Financial Select Sector SPDR ETF ("XLF") is below \$50,000, you may participate in any particular matter at the Department affecting the underlying holdings of the XLF without running afoul of 18 U.S.C. § 208(a).

Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)



## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, March 31, 2017 5:28 PM  
**To:** Ham, Holly  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Spousal Disqualification)

Dear Holly,

I wanted to also provide you the relevant ethics advice pertaining to your spouse's employment with **Morgan Stanley**. Please keep in mind that pursuant to the Federal conflict of interest statute at 18 U.S.C. § 208(a), you may not participate personally and substantially in your official capacity as a Department of Education ("Department") employee in any particular matter that has a direct and predictable effect on your spouse's compensation or employment with Morgan Stanley unless you first obtain a written waiver from the Ethics Division, pursuant to 18 U.S.C. § 208(b)(1). Moreover, because your spouse currently owns restricted stock units in Morgan Stanley, you are also disqualified from personally and substantially participating in your official capacity as a Department employee in any particular matter that has a direct and predictable effect on Morgan Stanley's financial interests. Both prohibitions apply to particular matters involving specific parties (i.e., grants, contracts, some meetings) as well as particular matters of general applicability (i.e., regulatory rulemakings, policy matters or legislation).

Also, pursuant to the Standards of Ethical Conduct, you may not participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties (i.e., grants, contracts, some meetings) where Morgan Stanley is, or represents, a party before the Department, unless you first obtain an authorization from the Ethics Division pursuant to 5 C.F.R. § 2635.502(d).

As a practical matter, this means you are prohibited from working on any Department matters involving or relating to Morgan Stanley unless you talk to the Department's Ethics Division first.

Let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)

## Shields, Michael L. (OGC)

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**From:** Ham, Holly  
**Sent:** Monday, April 24, 2017 5:37 PM  
**To:** Shields, Michael L. (OGC)  
**Cc:** Goodridge, Marcella  
**Subject:** RE: New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock & Sector Mutual Fund Ownership Advice)

Thank you, Michael.

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**From:** Shields, Michael L. (OGC)  
**Sent:** Monday, April 24, 2017 3:42 PM  
**To:** Ham, Holly  
**Cc:** Goodridge, Marcella  
**Subject:** RE: New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock & Sector Mutual Fund Ownership Advice)

Dear Holly,

In light of President Trump's intent to appoint you as Assistant Secretary for Management at the Department of Education ("Department"), I wanted to provide you updated ethics advice pertaining to your new position with the Department. One of the job responsibilities of the Assistant Secretary for Management includes developing and coordinating the implementation of business processes and IT investment in conjunction with high-level officials of programs and staff offices in the Department. That said, the Department currently has open contracts where Symantec Corporation ("Symantec") and Cisco Systems, Inc. ("Cisco") are the prime contractor and a subcontractor, respectively. According to your New Entrant Report, your spouse currently owns stock in both Cisco and Symantec and the current value of both of these holdings is below \$15,000.

Because it appears likely you will work with Symantec and/or Cisco in your new role as Assistant Secretary for Management, please be mindful of the below-listed de minimis exemptions particularly as they relate to the value of your spouse's stock ownership of Symantec and Cisco.

Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
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[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, March 31, 2017 5:19 PM  
**To:** Ham, Holly

## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Friday, June 09, 2017 12:03 PM  
**To:** Simmons, Lee (Dougie)  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Stock Ownership)

Dear Dougie,

I am pleased to inform you that your New Entrant OGE e-Form 278 Public Financial Disclosure Report ("New Entrant Report") was certified by the Ethics Division today, June 9, 2017. Thank you for your cooperation and patience.

After reviewing your New Entrant Report, I wanted to provide you the necessary ethics advice as it relates to your current stock holdings. Under the Federal conflict of interest statute at 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in your official capacity as a Department of Education ("Department") employee in any particular matter that, to your knowledge, has a direct and predictable effect on your financial interests or on those of any person whose interests are imputed to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). You are considered to have a financial interest in any entity you, your spouse or your minor child has an ownership interest in and this includes stock ownership.

However, a de minimis exemption to the conflict of interest statute allows you to participate in any particular matter involving specific parties where the disqualifying financial interest arises from the ownership by you, your spouse, or your minor children of securities issued by one or more entities affected by the matter if: (1) the securities are publicly traded; and (2) the aggregate market value of the holdings in all entities does not exceed \$15,000. So, for example, if the value of your stock holdings in Praxair, Inc. added up to more than \$15,000, you would need to disqualify yourself from participating in any particular matter involving specific parties here at the Department that could affect Praxair, Inc.'s financial interests. The term "particular matter involving specific parties" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, grant, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties. 5 C.F.R. § 2640.102(l). The term typically involves a specific proceeding affecting the legal rights of the parties, or an isolatable transaction or related set of transactions between identified parties and includes some meetings. Id.

In addition, another de minimis exemption to the conflict of interest statute at 18 U.S.C. § 208(a) allows you to participate in any particular matter of general applicability (i.e., legislation, policy matters or regulatory rulemakings) where the disqualifying financial interest arises from the ownership by you, your spouse, or minor children of securities issued by one or more entities affected by the matter if the securities are publicly traded, the market value of which does not exceed: (a) \$25,000 in any such entity, and (b) \$50,000 in all affected entities. By way of example, you would be prohibited from drafting regulations that would affect the interest rates that banks can charge on student loans (a particular matter of general applicability) if you own more than \$25,000 worth of publicly-traded stock in a bank that provides student loans (i.e., Wells Fargo Bank), or own over \$50,000 worth of publicly-traded stock in several banks that provide student loans (i.e., Discover Financial Services, SunTrust Bank, and Wells Fargo Bank).

You indicated on your New Entrant Report that the current value of your stock holdings in Synovus Financial Corp. is in excess of \$50,000. That said, you cannot claim either of the above-referenced de minimis exemptions for your stock ownership in this company. That means, pursuant to 18 U.S.C. § 208(a), you are currently disqualified from participating personally and substantially in your official capacity as a Department employee in any particular matter that, to your knowledge, has a direct and predictable effect on the financial interests of Synovus Financial Corp.



Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
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UNITED STATES DEPARTMENT OF EDUCATION

August 14, 2018

MEMORANDUM

TO: Elizabeth P. DeVos  
Secretary of Education

FROM: Mitchell M. Zais  
Deputy Secretary

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Ethics Agreement I executed on October 31, 2017 ("Ethics Agreement") prior to my confirmation on May 16, 2018 as Deputy Secretary of the U.S. Department of Education ("Department").

Pursuant to 18 U.S.C. § 208(a), I am prohibited from participating personally and substantially in my official capacity as a Department employee in any particular matter that has a direct and predictable effect on my financial interests or on those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as an officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating, or have an arrangement concerning prospective employment.

My spouse is employed by Coldwell Banker Realty in a position for which she receives commissions on sales. For as long as my spouse continues to work for Coldwell Banker Realty, I will not participate personally and substantially in my official capacity as a Department employee in any particular matter involving specific parties in which I know Coldwell Banker Realty is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). I also will not participate personally and substantially in my official capacity as a Department employee in any particular matter involving specific parties in which I know any client of my spouse is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge I signed, I may not, for a period of two (2) years from the date of my appointment (May 16, 2018), personally and substantially participate in my official capacity as a Department employee in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with my former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the last two (2) years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent, attorney, or consultant within two (2) years prior to my confirmation, but does not include any State or local government. I am subject to this two-year disqualification (May 16, 2018 – May 16, 2020) with respect to the following entities:

American Philatelic Society  
Celebrate Freedom Foundation  
Collegiate Counsel, Inc.  
Riverside Military Academy  
Gertz and Moore, LLP

In order to help ensure that I do not participate in matters relating to the above-referenced entities, I have taken or will take the following steps:

1. I have instructed my Confidential Assistant, Martha Davis, to screen all Office of the Deputy Secretary matters directed to my attention that involve outside entities that require my participation, to determine if they involve any of the above-referenced entities.
2. If Martha Davis determines that a matter involves any of the above-referenced entities, directly or indirectly, Martha Davis will inform Kent Talbert, Senior Policy Advisor to the Deputy Secretary to act or assign the matter, *without* my knowledge or involvement.
3. I will provide Martha Davis and Kent Talbert with copies of this memorandum so that they may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Martha Davis to seek the assistance of an agency ethics official if she is ever uncertain whether or not I may participate in a matter.
4. I will provide a copy of this memorandum to my principal subordinates. I also will instruct my principal subordinates that all inquiries and comments involving the above-referenced entities should be directed to Martha Davis *without* my knowledge or involvement.



5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.
6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Martha Davis, Kent Talbert and my principal subordinates.

Attachment: Disqualification Memorandum dated August 14, 2018

Cc: Martha Davis, Confidential Assistant, Office of the Deputy Secretary  
Kent Talbert, Senior Policy Advisor to the Deputy Secretary  
Marcella Goodridge-Keiller, Assistant General Counsel for Ethics &  
Designated Agency Ethics Official



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

August 14, 2018

MEMORANDUM

TO: Mitchell M. Zais  
Deputy Secretary

FROM: Marcella Goodridge-Ke  
Assistant General Counsel  
Designated Agency Ethicist

(b)(6)

RE: Conflict of Interest Disqualification

Pursuant to 18 U.S.C. § 208(a), you are prohibited from participating personally and substantially in your official capacity as a U.S. Department of Education ("Department") employee in any particular matter that has a direct and predictable effect on your financial interests or on those of any person whose interests are imputed to you, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to you: any spouse or minor child of yours; any general partner of a partnership in which you are a limited or general partner; any organization in which you serve as an officer, director, trustee, general partner or employee; and any person or organization with which you are negotiating, or have an arrangement concerning prospective employment.

1. Coldwell Banker Realty

Your spouse is employed by Coldwell Banker Realty in a position for which she receives commissions on sales. For as long as your spouse continues to work for Coldwell Banker Realty, you are not to participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties in which you know Coldwell Banker Realty is a party or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). You also are not to participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties in which you know any client of your spouse is a party or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

## 2. Ethics Pledge

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge you signed, you may not, for a period of two (2) years from the date of your appointment (May 16, 2018), personally and substantially participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two (2) years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two (2) years prior to your appointment, but does not include any State or local government. You are subject to this two-year disqualification (May 16, 2018 – May 16, 2020) with respect to the following entities:

American Philatelic Society  
Celebrate Freedom Foundation  
Collegiate Counsel, Inc.  
Riverside Military Academy  
Gertz and Moore, LLP

I understand that your Confidential Assistant, Martha Davis, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. Kent Talbert, Senior Policy Advisor to the Deputy Secretary, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about these disqualifications, please feel free to call me at (202) 401-1993.

Cc: United States Office of Government Ethics  
Elizabeth P. DeVos, Secretary of Education  
Kent Talbert, Senior Policy Advisor to the Deputy Secretary  
Martha Davis, Confidential Assistant, Office of the Deputy Secretary





UNITED STATES DEPARTMENT OF EDUCATION

March 20, 2018

MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

FROM: Peter Oppenheim (b)(6)  
Assistant Secretary for Legislation and Congressional Affairs

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. This memorandum incorporates the recusal obligations set forth in the Updated Spousal Disqualification memorandum sent to me by Michael L. Shields, an attorney in the Ethics Division on March 20, 2018.

Pursuant to 18 U.S.C. § 208(a), I am prohibited from participating personally and substantially in my official capacity as a U.S. Department of Education ("Department") employee in any particular matter that has a direct and predictable effect on my financial interests or on those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). The interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as an officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating, or have an arrangement concerning prospective employment.

My spouse is a salaried employee of Sanofi Pasteur and is subject to a performance-based bonus and does not have an equity interest in the corporation as an officer or director. Accordingly, pursuant to the conflict of interest statute at 18 U.S.C. § 208(a), I am disqualified from participating personally and substantially in my official capacity as a Department employee in any particular matter that has a direct and predictable effect on my spouse's compensation or employment with Sanofi Pasteur unless I first obtain a written waiver from the Ethics Division, pursuant to 18 U.S.C. § 208(b)(1). This disqualification applies to particular matters involving specific parties (i.e., grants, contracts, some meetings) as well as particular matters of general applicability (i.e., regulatory rulemakings, policy matters or legislation).

Also, pursuant to the Standards of Ethical Conduct for Employees of the Executive Branch ("Standards"), I am disqualified from participating personally and substantially in my official capacity as a Department employee in any particular matter involving specific parties (i.e., grants, contracts, some meetings) where Sanofi Pasteur is, or represents, a party before the Department, unless I first obtain an authorization from the Ethics Division pursuant to 5 C.F.R. § 2635.502(d).

Lastly, because Sanofi Pasteur is a wholly-owned division of Sanofi, I am also disqualified from participating personally and substantially in my official capacity as a Department employee in any particular matters involving specific parties (i.e., grants, contracts, some meetings) where Sanofi is a party or represents a party, unless I first receive a written authorization from the Ethics Division pursuant to 5 C.F.R. § 2635.502(d).

In order to help ensure that I do not participate in matters involving or relating to Sanofi Pasteur and/or Sanofi, I have taken or will take the following steps:

1. I have instructed my Legislative Director, Molly Petersen, to screen all Office of Legislation and Congressional Affairs matters directed to my attention that involve outside entities that require my participation, to determine if they involve Sanofi Pasteur or Sanofi.
2. If Molly Petersen determines that a matter involves Sanofi Pasteur or Sanofi, directly or indirectly, Molly Petersen will act or assign the matter, *without* my knowledge or involvement.
3. I will provide Molly Petersen, with a copy of this memorandum so that she may fully understand the purpose and scope of my recusal obligations and this screening arrangement. In order to help ensure that I do not inadvertently participate in matters from which I should be recused, I am directing Molly Petersen to seek the assistance of an agency ethics official if she is ever uncertain whether or not I may participate in a matter.
4. I will provide a copy of this memorandum to my principal subordinates. I also will instruct my principal subordinates that all inquiries and comments involving Sanofi Pasteur or Sanofi should be directed to Molly Petersen *without* my knowledge or involvement.
5. In consultation with an agency ethics official, I will revise and update my ethics agreement and/or this memorandum whenever that is warranted by changed circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.

Peter Oppenheim Screening Arrangement

6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Molly Petersen, and my principal subordinates.

Attachment: Updated Spousal Disqualification dated March 20, 2018

Cc: United States Office of Government Ethics  
Molly Petersen, Legislative Director, Office of Legislation and  
Congressional Affairs





UNITED STATES DEPARTMENT OF EDUCATION

March 20, 2018

MEMORANDUM

TO: Peter Oppenheim  
Assistant Secretary for Legislation and Congressional Affairs  
(b)(6)

FROM: Michael L. Shields  
Attorney, Ethics Division, Office of the General Counsel  
(b)(6)

RE: Updated Spousal Disqualification (Sanofi Pasteur/Sanofi, S.A.)

The purpose of this memorandum is to provide you updated spousal disqualification ethics advice concerning your spouse's current employment with Sanofi Pasteur, which is the vaccines division of Sanofi, S.A., a multinational pharmaceutical company ("Sanofi").

Pursuant to the conflict of interest statute at 18 U.S.C. § 208(a), you are disqualified from participating personally and substantially in your official capacity as a U.S. Department of Education ("Department") employee in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

You indicated that your spouse is a salaried employee of Sanofi Pasteur that is subject to a performance-based bonus and does not have an equity interest in the corporation as an officer or director. Accordingly, pursuant to the conflict of interest statute at 18 U.S.C. § 208(a), you are disqualified from participating personally and substantially in your official capacity as a Department employee in any particular matter that has a direct and predictable effect on your spouse's compensation or employment with Sanofi Pasteur unless you first obtain a written waiver from the Ethics Division, pursuant to 18 U.S.C. § 208(b)(1). This disqualification applies to particular matters involving specific parties (i.e., grants, contracts, some meetings) as well as particular matters of general applicability (i.e., regulatory rulemakings, policy matters or legislation).

Memorandum for Peter Oppenheim

Also, pursuant to the Standards of Ethical Conduct for Employees of the Executive Branch ("Standards"), you may not participate personally and substantially in your official capacity as a Department employee in any particular matter involving specific parties (i.e., grants, contracts, some meetings) where Sanofi Pasteur is, or represents, a party before the Department, unless you first obtain an authorization from the Ethics Division pursuant to 5 C.F.R. § 2635.502(d).

Lastly, because Sanofi Pasteur is a wholly-owned division of Sanofi, you are also disqualified from participating personally and substantially in your official capacity as a Department employee in any particular matters involving specific parties (i.e., grants, contracts, some meetings) where Sanofi is a party or represents a party, unless you receive a written authorization from the Ethics Division.

I understand that Molly Petersen will act as your gatekeeper to help ensure that you do not work on matters at the Department involving or relating to Sanofi Pasteur and Sanofi. Let me know if you have any questions concerning the foregoing ethics advice at (202) 401-6233.

Cc: Marcella Goodridge, Assistant General Counsel for Ethics and Designated Agency Ethics Official  
Molly Petersen, Legislative Director, Office of Legislation and Congressional Affairs

## Shields, Michael L. (OGC)

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**From:** Shields, Michael L. (OGC)  
**Sent:** Tuesday, May 08, 2018 4:34 PM  
**To:** Woodworth, James  
**Subject:** New Entrant OGE e-Form 278 Public Financial Disclosure Report: Ethics Advice (Ethics Pledge - Stanford University & Ed Choice)

Dear Lynn,

I am pleased to inform you that your New Entrant OGE e-Form 278 Public Financial Disclosure Report was certified by the Ethics Division today, May 8, 2018. Thank you for your cooperation and patience. That said, I wanted to provide you the relevant ethics advice pertaining to your former employer, Stanford University and your former client, Ed Choice.

Pursuant to Executive Order 13770 (1/28/17), and the Ethics Pledge you signed when you came to the Department of Education ("Department"), you may not, for a period of two (2) years from the date of your appointment (March 19, 2018), personally and substantially participate in your official capacity as a Department employee in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for whom you have, within the last two (2) years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for whom you have personally served as an agent, attorney, or consultant within two (2) years prior to your appointment and does not include any State or local government. You are subject to this two-year disqualification (March 19, 2018 – March 19, 2020) with respect to the following entities:

Stanford University  
Ed Choice

Please let me know if you have any questions concerning the foregoing ethics advice.

Sincerely,  
Michael

Michael L. Shields, Esq.  
Attorney, Ethics Division  
Office of the General Counsel  
U.S. Department of Education  
400 Maryland Avenue, SW  
Room 6E205  
Washington, D.C. 20202  
(202) 401-6233  
[Michael.L.Shields@ed.gov](mailto:Michael.L.Shields@ed.gov)



## Spencer, Kristina

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**From:** Spencer, Kristina  
**Sent:** Monday, April 24, 2017 11:46 AM  
**To:** Bailey, Nathan  
**Subject:** 278e New Entrant Public Financial Disclosure Report - Initial Ethics Advice and Follow Up Questions

**Importance:** High

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Bailey, Nathan	Read: 4/24/2017 11:50 AM

Hi Nathan,

I was assigned by OGC Ethics to review your new entrant public financial disclosure report that you recently submitted on Integrity.gov. I want to take this opportunity to provide you with some initial ethics guidance and ask some follow up questions.

### **Ethics Guidance: Former Employers and Former Clients**

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (1/28/17), and the ethics pledge you signed when you came to the Department of Education, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. **You are subject to this two year disqualification with respect to GSBS Strategies, LLC, Edelman Public Relations, American Heart Association, Optimum Response, LLC, and Marketing Resource Group.**

### **Follow Up Questions**

There are a few issues that need to be addressed before I can certify your report. Please see my comments under the "Report Data (Summary)" tab, "Comments of Reviewing Officials" on <https://integrity.gov>. For your convenience, I have copied/pasted my comments to the end of this email.

Please provide the requested information and re-submit your report on Integrity **no later than COB Thursday, May 4th.** Let me know if you have any questions in the meantime.

Thanks!  
Kristina

## Spencer, Kristina

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**From:** Spencer, Kristina  
**Sent:** Monday, March 26, 2018 10:16 AM  
**To:** Ham, Holly  
**Subject:** 278-T Periodic Transaction Report - Ethics Advice (b)(6)

**Importance:** High

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, April 10, 2018 10:00 AM  
**Flag Status:** Completed

**Tracking:**

Recipient	Read
Ham, Holly	Read: 3/26/2018 2:45 PM

Hi Holly,

I hope you are doing well.

I was assigned by OGC Ethics to review your OGE Form 278-T Periodic Transaction Report that you recently submitted on Integrity.gov.

### Ethics Advice – Stock Ownership

I note that you own stock in several entities and just wanted to remind you of the ethics rules concerning stock ownership. Generally, you may not participate personally and substantially in any particular matter that has a direct and predictable effect on your financial interests. Therefore, you may not participate in any particular matter involving or affecting an entity you or your spouse own stock in, unless you first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), qualify for a regulatory exemption pursuant to 18 U.S.C. § 208(b)(2), or unless one of the following *de minimus* exemptions apply:

1. You may work on matters involving specific parties for which you hold publicly-traded stock where the total worth of all stock holdings of entities who are parties to the matter does not exceed \$15,000.
2. You may work on matters involving specific parties, but that affect non-parties for which you hold publicly-traded stock where the total worth of all stock holdings of entities involved does not exceed \$25,000.
3. You may work on matters of generally applicability affecting entities for which you hold publicly-traded stock, where the total worth of all stock holdings of entities who are parties to the matter does not exceed \$50,000 and the holding for any one entity does not exceed \$25,000.

(b)(6)



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

March 8, 2018

MEMORANDUM

TO: Johnny Wayne Collett  
Assistant Secretary for Special Education and Rehabilitative Services

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on November 17, 2017 is attached to this memorandum.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to:





UNITED STATES DEPARTMENT OF EDUCATION

March 26, 2018

MEMORANDUM

TO: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

FROM: Johnny Wayne Collett (b)(6)  
Assistant Secretary for Special Education and Rehabilitative Services

RE: Screening Arrangement

This memorandum is to provide you with written notification of the screening arrangement I have implemented to ensure that I comply with my obligation to recuse myself from certain matters with which I have a financial interest, or a personal or business relationship. These recusal obligations are set forth in the Disqualification Memorandum issued to me by the Designated Agency Ethics Official on March 8, 2018, concerning my position as the Assistant Secretary for Special Education and Rehabilitative Services.

Pursuant to the Ethics Pledge that I signed upon entering service at the Department, I will not, for a period of two years from the date of my appointment, participate in any particular matter involving specific parties in which any of my former employers or former clients is, or represents, a party. I understand that this disqualification covers meetings or other communications with my former employers and former clients, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which I have, within the two years prior to the date of my appointment, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which I have personally served as an agent or consultant in the two years prior to my appointment. I am subject to this two-year disqualification with respect to:

- The Council of Chief State School Officers,
- WestEd (including The National Center for Systemic Improvement), and
- The American Institutes for Research (including The National Center on Intensive Intervention).

Pursuant to the Standards of Ethical Conduct provisions on the appearance of a loss of impartiality, 5 CFR § 2635.502, and Department of Education policy, I will not participate personally and substantially in any particular matter involving specific parties in which any of the following entities is a party, or represents a party, for a period of one-

circumstances, including changes in my financial interests, my personal or business relationships, or the nature of my official duties.

6. In the event of any changes to this screening arrangement, I will provide a copy of the revised screening arrangement memorandum to you, Mr. Mutz, Ms. Richey, and my principal subordinates.

Attachment: Disqualification Memorandum dated March 8, 2018

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Kimberly Richey  
John Fletcher Mutz

- The Council of Chief State School Officers,
- WestEd (including The National Center for Systemic Improvement), and
- The American Institutes for Research (including The National Center on Intensive Intervention).

You are not subject to this two-year prohibition with respect to:

- The University of Florida (including The Collaboration for Effective Educator Development, Accountability, and Reform Center) or
- The University of Kansas (including The School-wide Integrated Framework for Transformation Center)

Both of these entities fall within the exception for entities of State and/or local government. Nevertheless, pursuant to the Standards of Ethical Conduct provisions on the appearance of a loss of impartiality, 5 CFR § 2635.502, and Department of Education policy, absent an authorization from my office, you may not participate personally and substantially in any particular matter involving specific parties in which any of these entities is a party, or represents a party, for a period of one-year following the last time you provided personal services to these entities.

Moreover, I understand that your spouse is the sole proprietor of Hair by Jennifer, LLC. Because your spouse's financial interests in Hair by Jennifer, LLC are imputed to you, you are prohibited from participating personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Hair by Jennifer, LLC, unless you first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). You are further prohibited from participating personally and substantially in any particular matter involving specific parties in which Hair by Jennifer, LLC is a party, or represents a party, unless you are first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). This disqualification will remain in effect for as long as your spouse is the sole proprietor of Hair by Jennifer, LLC.

I understand that your confidential assistant, John Fletcher Mutz, will act as your gatekeeper to help ensure that you do not work on matters from which you are disqualified. The Deputy Assistant Secretary for Special Education and Rehabilitative Services, Kimberly Richey, will be responsible for handling or assigning matters from which you are disqualified.

If you have questions about this disqualification, please feel free to call me at (202) 401-1993 or Kristina Spencer at (202) 401-0413.

cc: U.S. Office of Government Ethics  
Betsy DeVos  
Joshua Venable  
Kimberly Richey  
John Fletcher Mutz



**I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.**

**I will meet in person with you during the first week of my service in the position of Assistant Secretary for Special Education and Rehabilitative Services in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.**

**I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.**

(b)(6)



Johnny Wayne Collett



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

March 8, 2018

MEMORANDUM

TO: Johnny Wayne Collett  
Assistant Secretary for Special Education and Rehabilitative Services

FROM: Marcella Goodridge-Keiller  
Assistant General Counsel for Ethics and  
Designated Agency Ethics Official

RE: Conflict of Interest Disqualification

(b)(6)

The purpose of this memorandum is to outline your current disqualifications under the ethics rules. A copy of your Ethics Agreement executed on November 17, 2017 is attached to this memorandum.

Under the conflict of interest statute, 18 U.S.C. § 208(a), you may not participate personally and substantially, in your official capacity, in any particular matter in which, to your knowledge, you, or anyone whose interests are imputed to you, has a financial interest, unless you first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). Interests imputed to you under the law include those of your spouse, minor children, general partner, an organization or entity which you serve as an officer, director, trustee, general partner or employee, and any person with whom you are negotiating for employment or with whom you have an arrangement concerning prospective employment.

Pursuant to Executive Order 13770 (January 28, 2017), and the Ethics Pledge you signed, you may not, for a period of two years from the date of your appointment, participate in any particular matter involving specific parties in which any of your former employers or former clients is, or represents, a party. This disqualification covers meetings or other communications with your former employers and former clients, even if the subject of the meeting is a particular matter of general applicability, unless the meeting or other communication is open to all interested parties. A "former employer" includes any entity for which you have, within the last two years, served as an employee, officer, director, trustee, or general partner, except that it does not include any State or local government. A "former client" includes any entity for which you have personally served as an agent, attorney, or consultant within two years prior to your appointment. You are subject to this two-year disqualification with respect to: